

AMENDED IN ASSEMBLY AUGUST 18, 2016

SENATE BILL

No. 1478

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, ~~Berryhill~~, Block, Gaines, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 10, 2016

An act to amend Sections 27, 208, 1632, 1634.1, 2467, 2541.3, 2541.6, 2545, 2550, 2550.1, 2552, 2553, 2554, 2555, 2555.1, 2558, 2559, 2559.2, 2559.3, 2559.5, 2561, 2563, 3027, 4980.36, 4980.37, 4980.43, 4980.78, 4980.79, 4980.81, 4992.05, 4996.3, 4996.18, 4996.23, 4999.12, 4999.40, 4999.47, 4999.52, 4999.60, 4999.61, and 4999.120 of, to add Sections 4980.09 and 4999.12.5 to, to repeal Sections 852, 2029, 2540.1, 4980.40.5, and 4999.54 of, and to repeal Article 16 (commencing with Section 2380) of Chapter 5 of Division 2 of, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1478, as amended, Committee on Business, Professions and Economic Development. Healing arts.

Existing law provides for the licensure and regulation of healing arts professions and vocations by boards within the Department of Consumer Affairs.

(1) Existing law requires a Controlled Substance Utilization Review and Evaluation System (CURES) fee of \$6 to be assessed annually, at the time of license renewal, on specified licensees to pay the reasonable costs associated with operating and maintaining CURES for the purpose of regulating those licensees.

The bill would, beginning July 1, 2017, except as specified, exempt licensees issued a license placed in a retired or inactive status from the CURES fee requirement.

(1)

(2) Existing law establishes the Task Force on Culturally and Linguistically Competent Physicians and Dentists. Existing law requires the task force to develop recommendations for a continuing education program that includes language proficiency standards of foreign language to be acquired to meet linguistic competency, identify the key cultural elements necessary to meet cultural competency by physicians, dentists, and their offices and assess the need for voluntary certification standards and examinations for cultural and linguistic competency.

This bill would delete those provisions.

(2)

(3) The Dental Practice Act provides for the licensure and regulation of dentists by the Dental Board of California. Existing law requires each applicant to, among other things, successfully complete the Part I and Part II written examinations of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

This bill would instead require the applicant to successfully complete the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

(3)

(4) The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California.

Existing law requires the board to keep a copy of a complaint it receives regarding the poor quality of care rendered by a licensee for 10 years from the date the board receives the complaint, as provided.

This bill would delete that requirement.

Existing law creates the Bureau of Medical Statistics within the board. Under existing law, the purpose of the bureau is to provide the board with statistical information necessary to carry out their functions of licensing, medical education, medical quality, and enforcement.

This bill would abolish that bureau.

(4)

(5) Under existing law, the California Board of Podiatric Medicine is responsible for the certification and regulation of the practice of podiatric medicine. Existing law requires the board to annually elect one of its members to act as president and vice president.

This bill would instead require the board to elect from its members a president, a vice president, and a secretary.

(6) Under existing law, any person who violates any of the provisions governing prescription lenses is subject to a specified fine per violation. Existing law requires the fines from licensed physicians and surgeons and registered dispensing opticians to be available upon appropriation to the Medical Board of California for the purposes of administration and enforcement. Existing law requires the fines from licensed optometrists to be deposited into the Optometry Fund and to be available upon appropriation to the State Board of Optometry for the purposes of administration and enforcement. Beginning January 1, 2016, existing law makes the State Board of Optometry responsible for the registration and regulation of registered dispensing opticians.

This bill would instead require fines from registered dispensing opticians to be deposited in the Dispensing Opticians Fund and to be available upon appropriation to the State Board of Optometry.

~~(5)~~

(7) The Board of Behavioral Sciences is responsible for administering, among others, the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act.

(A) Existing law, the Licensed Marriage and Family Therapist Act, provides for the regulation of the practice of marriage and family therapy by the Board of Behavioral Sciences. A violation of the act is a crime. Existing law requires the licensure of marriage and family therapists and the registration of marriage and family therapist interns. Under existing law, an “intern” is defined as an unlicensed person who has earned his or her master’s or doctoral degree qualifying him or her for licensure and is registered with the board. Existing law prohibits the abbreviation “MFTI” from being used in an advertisement unless the title “marriage and family therapist registered intern” appears in the advertisement.

Existing law, the Licensed Professional Clinical Counselor Act, provides for the regulation of the practice of professional clinical counseling by the Board of Behavioral Sciences. Existing law requires the licensure of professional clinical counselors and the registration of professional clinical counselor interns. Under existing law, an “intern” is defined as an unlicensed person who meets specified requirements for registration and is registered with the board.

This bill, commencing January 1, 2018, would provide that certain specified titles using the term “intern” or any reference to the term “intern” in those acts shall be deemed to be a reference to an “associate,” as specified. Because this bill would change the definition of a ~~crime~~, *crime in the Licensed Marriage and Family Therapist Act*, it would impose a state-mandated local program.

(B) The Licensed Marriage and Family Therapist Act generally requires specified applicants for licensure and registration to meet certain educational degree requirements, including having obtained that degree from a school, college, or university that, among other things, is accredited by a regional accrediting agency recognized by the United States Department of Education.

This bill would authorize that accreditation to be by a regional or national institutional accrediting agency recognized by the United States Department of Education.

Existing law requires these applicants to meet specified educational requirements, including a minimum of two semester units of instruction in the diagnosis, assessment, prognosis, and treatment of mental disorders, including severe mental disorders, evidence-based practices, psychological testing, psychopharmacology, and promising mental health practices that are evaluated in peer-reviewed literature. Existing law requires these specified educational requirements to include at least one semester unit or 15 hours of instruction in psychological testing and at least one semester unit or 15 hours of instruction in psychopharmacology.

This bill would recast that instruction in psychological testing and psychopharmacology as a separate educational requirement.

Under the Licensed Marriage and Family Therapist Act, a specified doctoral or master’s degree approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007, is considered by the Board of Behavioral Sciences to meet the specified licensure and registration requirements if the degree is conferred on or before July 1, 2010. As an alternative, existing law requires the Board of Behavioral Sciences to accept those doctoral or master's degrees as equivalent degrees if those degrees are conferred by educational institutions accredited by specified associations.

This bill would delete those provisions.

(C) Under the Licensed Marriage and Family Therapist Act, an applicant for licensure is required to complete experience related to the practice of marriage and family therapy under the supervision of a

supervisor. *Existing law requires an applicant seeking licensure as a professional clinical counselor or a marriage and family therapist to possess a degree that contains a practicum coursework requirement that may be satisfied by conducting face-to-face counseling.* Existing law requires applicants, trainees who are unlicensed persons enrolled in an educational program to qualify for licensure, and interns who are unlicensed persons who have completed an educational program and is registered with the board to be at all times under the supervision of a supervisor. Existing law requires interns and trainees to only gain supervised experience as an employee or volunteer and prohibits experience from being gained as an independent contractor. Similarly, the Licensed Professional Clinical Counselor Act requires clinical counselor trainees, interns, and applicants to perform services only as an employee or as a volunteer. The Licensed Professional Clinical Counselor Act prohibits gaining mental health experience by interns or trainees as an independent contractor.

The Clinical Social Worker Practice Act requires applicants to complete supervised experience related to the practice of clinical social work.

This bill would prohibit these persons from being employed as independent contractors and from gaining experience for work performed as an independent contractor reported on a specified tax form. *The bill would specify that the face-to-face counseling requirement of the practicum coursework be face-to-face counseling of individuals, couples, families, or groups.*

(D) *Existing law, the Clinical Social Worker Practice Act, requires applicants for licensure as a clinical social worker to pass a clinical examination. Existing regulatory law requires the clinical examination to be the Association of Social Work Boards Clinical Examination. Existing law authorizes a fee for the clinical examination in the amount of \$100.*

This bill would specify that the fee only applies to a board-administered clinical examination.

(D)

(E) The Licensed Professional Clinical Counselor Act defines the term “accredited” for the purposes of the act to mean a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association. The act requires each educational institution preparing applicants to qualify for licensure to notify each of its students in writing that its degree program

is designed to meet specified examination eligibility or registration requirements and to certify to the Board of Behavioral Sciences that it has provided that notice. *The act requires the Board of Behavioral Sciences to accept education gained while residing outside of California if the education is substantially equivalent, as specified.*

This bill would re-define “accredited” to mean a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The bill would additionally require an applicant for registration or licensure to submit to the Board of Behavioral Sciences a certification from the applicant’s educational institution specifying that the curriculum and coursework complies with those examination eligibility or registration requirements. *The bill would instead require the board to accept education gained from an out-of-state school if the education is substantially similar.*

~~(6)~~

(8) This bill would additionally delete various obsolete provisions, make conforming changes, and make other nonsubstantive changes.

~~(7) The~~

(9) *This bill would incorporate additional changes to Section 1632 of the Business and Professions Code proposed by AB 2331, that would become operative only if AB 2331 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.*

(10) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code,
2 as amended by Section 1 of Chapter 32 of the Statutes of 2016, is
3 amended to read:

4 27. (a) Each entity specified in subdivisions (c), (d), and (e)
5 shall provide on the Internet information regarding the status of
6 every license issued by that entity in accordance with the California

Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee's address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as his or her address of record, to provide a physical business address or residence address only for the entity's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) In providing information on the Internet, each entity specified in subdivisions (c) and (d) shall comply with the Department of Consumer Affairs' guidelines for access to public records.

(c) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Board for Professional Engineers, Land Surveyors, and Geologists shall disclose information on its registrants and licensees.

(2) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(3) The Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation shall disclose information on its licensees and registrants, including major appliance repair dealers, combination dealers (electronic and appliance), electronic

1 repair dealers, service contract sellers, and service contract
2 administrators.

3 (4) The Cemetery and Funeral Bureau shall disclose information
4 on its licensees, including cemetery brokers, cemetery salespersons,
5 cemetery managers, crematory managers, cemetery authorities,
6 crematories, cremated remains disposers, embalmers, funeral
7 establishments, and funeral directors.

8 (5) The Professional Fiduciaries Bureau shall disclose
9 information on its licensees.

10 (6) The Contractors' State License Board shall disclose
11 information on its licensees and registrants in accordance with
12 Chapter 9 (commencing with Section 7000) of Division 3. In
13 addition to information related to licenses as specified in
14 subdivision (a), the board shall also disclose information provided
15 to the board by the Labor Commissioner pursuant to Section 98.9
16 of the Labor Code.

17 (7) The Bureau for Private Postsecondary Education shall
18 disclose information on private postsecondary institutions under
19 its jurisdiction, including disclosure of notices to comply issued
20 pursuant to Section 94935 of the Education Code.

21 (8) The California Board of Accountancy shall disclose
22 information on its licensees and registrants.

23 (9) The California Architects Board shall disclose information
24 on its licensees, including architects and landscape architects.

25 (10) The State Athletic Commission shall disclose information
26 on its licensees and registrants.

27 (11) The State Board of Barbering and Cosmetology shall
28 disclose information on its licensees.

29 (12) The State Board of Guide Dogs for the Blind shall disclose
30 information on its licensees and registrants.

31 (13) The Acupuncture Board shall disclose information on its
32 licensees.

33 (14) The Board of Behavioral Sciences shall disclose
34 information on its licensees, including licensed marriage and family
35 therapists, licensed clinical social workers, licensed educational
36 psychologists, and licensed professional clinical counselors.

37 (15) The Dental Board of California shall disclose information
38 on its licensees.

39 (16) The State Board of Optometry shall disclose information
40 ~~regarding certificates of registration to practice optometry,~~

1 ~~statements of licensure, optometric corporation registrations, branch~~
2 ~~office licenses, and fictitious name permits of its licensees: on its~~
3 ~~licensees and registrants.~~

4 (17) The Board of Psychology shall disclose information on its
5 licensees, including psychologists, psychological assistants, and
6 registered psychologists.

7 (d) The State Board of Chiropractic Examiners shall disclose
8 information on its licensees.

9 (e) The Structural Pest Control Board shall disclose information
10 on its licensees, including applicators, field representatives, and
11 operators in the areas of fumigation, general pest and wood
12 destroying pests and organisms, and wood roof cleaning and
13 treatment.

14 (f) The Bureau of Medical Cannabis Regulation shall disclose
15 information on its licensees.

16 (g) “Internet” for the purposes of this section has the meaning
17 set forth in paragraph (6) of subdivision (f) of Section 17538.

18 *SEC. 2. Section 208 of the Business and Professions Code is*
19 *amended to read:*

20 208. (a) Beginning April 1, 2014, a ~~CURES~~ *Controlled*
21 *Substance Utilization Review and Evaluation System (CURES)*
22 fee of six dollars (\$6) shall be assessed annually on each of the
23 licensees specified in subdivision (b) to pay the reasonable costs
24 associated with operating and maintaining CURES for the purpose
25 of regulating those licensees. The fee assessed pursuant to this
26 subdivision shall be billed and collected by the regulating agency
27 of each licensee at the time of the licensee’s license renewal. If
28 the reasonable regulatory cost of operating and maintaining CURES
29 is less than six dollars (\$6) per licensee, the Department of
30 Consumer Affairs may, by regulation, reduce the fee established
31 by this section to the reasonable regulatory cost.

32 (b) (1) Licensees authorized pursuant to Section 11150 of the
33 Health and Safety Code to prescribe, order, administer, furnish,
34 or dispense Schedule II, Schedule III, or Schedule IV controlled
35 substances or pharmacists licensed pursuant to Chapter 9
36 (commencing with Section 4000) of Division 2.

37 (2) *Beginning July 1, 2017, licensees issued a license that has*
38 *been placed in a retired or inactive status pursuant to a statute or*
39 *regulation are exempt from the CURES fee requirement in*
40 *subdivision (a). This exemption shall not apply to licensees whose*

1 *license has been placed in a retired or inactive status if the licensee*
2 *is at any time authorized to prescribe, order, administer, furnish,*
3 *or dispense Schedule II, Schedule III, or Schedule IV controlled*
4 *substances.*

5 ~~(2)~~

6 (3) Wholesalers, third-party logistics providers, nonresident
7 wholesalers, and nonresident third-party logistics providers of
8 dangerous drugs licensed pursuant to Article 11 (commencing with
9 Section 4160) of Chapter 9 of Division 2.

10 ~~(3)~~

11 (4) Nongovernmental clinics licensed pursuant to Article 13
12 (commencing with Section 4180) and Article 14 (commencing
13 with Section 4190) of Chapter 9 of Division 2.

14 ~~(4)~~

15 (5) Nongovernmental pharmacies licensed pursuant to Article
16 7 (commencing with Section 4110) of Chapter 9 of Division 2.

17 (c) The funds collected pursuant to subdivision (a) shall be
18 deposited in the CURES Fund, which is hereby created within the
19 State Treasury. Moneys in the CURES Fund shall, upon
20 appropriation by the Legislature, be available to the Department
21 of Consumer Affairs to reimburse the Department of Justice for
22 costs to operate and maintain CURES for the purposes of regulating
23 the licensees specified in subdivision (b).

24 (d) The Department of Consumer Affairs shall contract with
25 the Department of Justice on behalf of the Medical Board of
26 California, the Dental Board of California, the California State
27 Board of Pharmacy, the Veterinary Medical Board, the Board of
28 Registered Nursing, the Physician Assistant Board of the Medical
29 Board of California, the Osteopathic Medical Board of California,
30 the Naturopathic Medicine Committee of the Osteopathic Medical
31 Board, the State Board of Optometry, and the California Board of
32 Podiatric Medicine to operate and maintain CURES for the
33 purposes of regulating the licensees specified in subdivision (b).

34 ~~SECTION 4.~~

35 ~~SEC. 3.~~ Section 852 of the Business and Professions Code is
36 repealed.

37 ~~SEC. 2.~~

38 ~~SEC. 4.~~ Section 1632 of the Business and Professions Code is
39 amended to read:

1 1632. (a) The board shall require each applicant to successfully
2 complete the written examination of the National Board Dental
3 Examination of the Joint Commission on National Dental
4 Examinations.

5 (b) The board shall require each applicant to successfully
6 complete an examination in California law and ethics developed
7 and administered by the board. The board shall provide a separate
8 application for this examination. The board shall ensure that the
9 law and ethics examination reflects current law and regulations,
10 and ensure that the examinations are randomized. Applicants shall
11 submit this application and required fee to the board in order to
12 take this examination. In addition to the aforementioned
13 application, the only other requirement for taking this examination
14 shall be certification from the dean of the qualifying dental school
15 attended by the applicant that the applicant has graduated, or will
16 graduate, or is expected to graduate. Applicants who submit
17 completed applications and certification from the dean at least 15
18 days prior to a scheduled examination shall be scheduled to take
19 the examination. Successful results of the examination shall, as
20 established by board regulation, remain valid for two years from
21 the date that the applicant is notified of having passed the
22 examination.

23 (c) Except as otherwise provided in Section 1632.5, the board
24 shall require each applicant to have taken and received a passing
25 score on one of the following:

26 (1) A portfolio examination of the applicant's competence to
27 enter the practice of dentistry. This examination shall be conducted
28 while the applicant is enrolled in a dental school program at a
29 board-approved school located in California. This examination
30 shall utilize uniform standards of clinical experiences and
31 competencies, as approved by the board pursuant to Section 1632.1.
32 The applicant shall pass a final assessment of the submitted
33 portfolio at the end of his or her dental school program. Before
34 any portfolio assessment may be submitted to the board, the
35 applicant shall remit the required fee to the board to be deposited
36 into the State Dentistry Fund, and a letter of good standing signed
37 by the dean of his or her dental school or his or her delegate stating
38 that the applicant has graduated or will graduate with no pending
39 ethical issues.

1 (A) The portfolio examination shall not be conducted until the
2 board adopts regulations to carry out this paragraph. The board
3 shall post notice on its Internet Web site when these regulations
4 have been adopted.

5 (B) The board shall also provide written notice to the Legislature
6 and the Legislative Counsel when these regulations have been
7 adopted.

8 (2) A clinical and written examination administered by the
9 Western Regional Examining Board, which board shall determine
10 the passing score for that examination.

11 (d) Notwithstanding subdivision (b) of Section 1628, the board
12 is authorized to do either of the following:

13 (1) Approve an application for examination from, and to
14 examine an applicant who is enrolled in, but has not yet graduated
15 from, a reputable dental school approved by the board.

16 (2) Accept the results of an examination described in paragraph
17 (2) of subdivision (c) submitted by an applicant who was enrolled
18 in, but had not graduated from, a reputable dental school approved
19 by the board at the time the examination was administered.

20 In either case, the board shall require the dean of that school or
21 his or her delegate to furnish satisfactory proof that the applicant
22 will graduate within one year of the date the examination was
23 administered or as provided in paragraph (1) of subdivision (c).

24 *SEC. 4.5. Section 1632 of the Business and Professions Code*
25 *is amended to read:*

26 1632. (a) The board shall require each applicant to successfully
27 complete the ~~Part I and Part II written examinations~~ *written*
28 *examination* of the National Board Dental Examination of the Joint
29 Commission on National Dental Examinations.

30 (b) The board shall require each applicant to successfully
31 complete an examination in California law and ethics developed
32 and administered by the board. The board shall provide a separate
33 application for this examination. The board shall ensure that the
34 law and ethics examination reflects current law and regulations,
35 and ensure that the examinations are randomized. Applicants shall
36 submit this application and required fee to the board in order to
37 take this examination. In addition to the aforementioned
38 application, the only other requirement for taking this examination
39 shall be certification from the dean of the qualifying dental school
40 attended by the applicant that the applicant has graduated, or will

graduate, or is expected to graduate. Applicants who submit completed applications and certification from the dean at least 15 days prior to a scheduled examination shall be scheduled to take the examination. Successful results of the examination shall, as established by board regulation, remain valid for two years from the date that the applicant is notified of having passed the examination.

(c) Except as otherwise provided in Section 1632.5, the board shall require each applicant to have taken and received a passing score on one of the following:

(1) A portfolio examination of the applicant's competence to enter the practice of dentistry. This examination shall be conducted while the applicant is enrolled in a dental school program at a board-approved school located in California. This examination shall utilize uniform standards of clinical experiences and competencies, as approved by the board pursuant to Section 1632.1. The applicant shall pass a final assessment of the submitted portfolio at the end of his or her dental school program. Before any portfolio assessment may be submitted to the board, the applicant shall remit the required fee to the board to be deposited into the State Dentistry Fund, and a letter of good standing signed by the dean of his or her dental school or his or her delegate stating that the applicant has graduated or will graduate with no pending ethical issues.

(A) The portfolio examination shall not be conducted until the board adopts regulations to carry out this paragraph. The board shall post notice on its Internet Web site when these regulations have been adopted.

(B) The board shall also provide written notice to the Legislature and the Legislative Counsel when these regulations have been adopted.

(2) *Either one of the following examinations:*

~~(2)~~

(A) A clinical and written examination administered by the Western Regional Examining Board, ~~which board shall determine the passing score for that examination.~~ Board.

(B) *The clinical and written examination developed by the American Board of Dental Examiners, Inc.*

(d) Notwithstanding subdivision (b) of Section 1628, the board is authorized to do either of the following:

1 (1) Approve an application for examination from, and to
2 examine an applicant who is enrolled in, but has not yet graduated
3 from, a reputable dental school approved by the board.

4 (2) Accept the results of an examination described in paragraph
5 (2) of subdivision (c) submitted by an applicant who was enrolled
6 in, but had not graduated from, a reputable dental school approved
7 by the board at the time the examination was administered.

8 In either case, the board shall require the dean of that school or
9 his or her delegate to furnish satisfactory proof that the applicant
10 will graduate within one year of the date the examination was
11 administered or as provided in paragraph (1) of subdivision (c).

12 *(e) The board may determine the testing format, as related to*
13 *patients, for the examination provided pursuant to subparagraph*
14 *(B) of paragraph (2) of subdivision (c).*

15 ~~SEC. 3.~~

16 SEC. 5. Section 1634.1 of the Business and Professions Code
17 is amended to read:

18 1634.1. Notwithstanding Section 1634, the board may grant a
19 license to practice dentistry to an applicant who submits all of the
20 following to the board:

21 (a) A completed application form and all fees required by the
22 board.

23 (b) Satisfactory evidence of having graduated from a dental
24 school approved by the board or by the Commission on Dental
25 Accreditation of the American Dental Association.

26 (c) Satisfactory evidence of having completed a clinically based
27 advanced education program in general dentistry or an advanced
28 education program in general practice residency that is, at
29 minimum, one year in duration and is accredited by either the
30 Commission on Dental Accreditation of the American Dental
31 Association or a national accrediting body approved by the board.
32 The advanced education program shall include a certification of
33 clinical residency program completion approved by the board, to
34 be completed upon the resident's successful completion of the
35 program in order to evaluate his or her competence to practice
36 dentistry in the state.

37 (d) Satisfactory evidence of having successfully completed the
38 written examination of the National Board Dental Examination of
39 the Joint Commission on National Dental Examinations.

1 (e) Satisfactory evidence of having successfully completed an
2 examination in California law and ethics.

3 (f) Proof that the applicant has not failed the examination for
4 licensure to practice dentistry under this chapter within five years
5 prior to the date of his or her application for a license under this
6 chapter.

7 ~~SEC. 4.~~

8 *SEC. 6.* Section 2029 of the Business and Professions Code is
9 repealed.

10 ~~SEC. 5.~~

11 *SEC. 7.* Article 16 (commencing with Section 2380) of Chapter
12 5 of Division 2 of the Business and Professions Code is repealed.

13 ~~SEC. 6.~~

14 *SEC. 8.* Section 2467 of the Business and Professions Code is
15 amended to read:

16 2467. (a) The board may convene from time to time as it deems
17 necessary.

18 (b) Four members of the board constitute a quorum for the
19 transaction of business at any meeting.

20 (c) It shall require the affirmative vote of a majority of those
21 members present at a meeting, those members constituting at least
22 a quorum, to pass any motion, resolution, or measure.

23 (d) The board shall elect from its members a president, a vice
24 president, and a secretary who shall hold their respective positions
25 at the pleasure of the board. The president may call meetings of
26 the board and any duly appointed committee at a specified time
27 and place.

28 *SEC. 9.* *Section 2540.1 of the Business and Professions Code*
29 *is repealed.*

30 ~~2540.1. Any reference to the “Division of Medical Quality”~~
31 ~~or to the “Division of Licensing” in this chapter shall be deemed~~
32 ~~to refer to the Medical Board of California.~~

33 *SEC. 10.* *Section 2541.3 of the Business and Professions Code*
34 *is amended to read:*

35 2541.3. (a) The State Department of Public Health, the State
36 Board of Optometry *Optometry*, and the ~~Division of Licensing and~~
37 ~~Division of Medical Quality~~ of the Medical Board of California
38 shall prepare and adopt quality standards and adopt regulations
39 relating to prescription ophthalmic devices, including, but not
40 limited to, lenses, frames, and contact lenses. In promulgating

1 these rules and regulations, the department and the boards shall
2 adopt the current standards of the American National Standards
3 Institute regarding ophthalmic materials. Nothing in this section
4 shall prohibit the department and the boards from jointly adopting
5 subsequent standards that are equivalent or more stringent than
6 the current standards of the American National Standards Institute
7 regarding ophthalmic materials.

8 (b) No individual or group that deals with prescription
9 ophthalmic devices, including, but not limited to, distributors,
10 dispensers, manufacturers, laboratories, optometrists, or
11 ophthalmologists shall sell, dispense, or furnish any prescription
12 ophthalmic device that does not meet the minimum standards set
13 by the State Department of Public Health, the State Board of
14 Optometry, or ~~the Division of Licensing and Division of Medical~~
15 ~~Quality~~ of the Medical Board of California.

16 (c) Any violation of the regulations adopted by the State
17 Department of Public Health, the State Board of Optometry, or
18 ~~the Division of Licensing and Division of Medical Quality~~ of the
19 Medical Board of California pursuant to this section shall be a
20 misdemeanor.

21 (d) Any optometrist, ophthalmologist, or dispensing optician
22 who violates the regulations adopted by the State Department of
23 Public Health, the State Board of Optometry, or ~~the Division of~~
24 ~~Licensing and Division of Medical Quality~~ of the Medical Board
25 of California pursuant to this section shall be subject to disciplinary
26 action by his or her licensing board.

27 (e) The State Board of Optometry or ~~the Division of Licensing~~
28 ~~and Division of Medical Quality~~ of the Medical Board of California
29 may send any prescription ophthalmic device to the State
30 Department of Public Health for testing as to whether or not the
31 device meets established standards adopted pursuant to this section,
32 which testing shall take precedence over any other prescription
33 ophthalmic device testing being conducted by the department. The
34 department may conduct the testing in its own facilities or may
35 contract with any other facility to conduct the testing.

36 *SEC. 11. Section 2541.6 of the Business and Professions Code*
37 *is amended to read:*

38 2541.6. No prescription ophthalmic device that does not meet
39 the standards adopted by the State Department of Public Health,
40 the State Board of Optometry, or ~~the Division of Licensing and~~

~~Division of Medical Quality~~ of the Medical Board of California under Section 2541.3 shall be purchased with state funds.

SEC. 12. Section 2545 of the Business and Professions Code is amended to read:

2545. (a) Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining the conduct on application of the State Board of Optometry, ~~the Division of Licensing of the Medical Board of California, the Osteopathic Medical Board of California, the Attorney General, or the district attorney of the county.~~

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

(b) (1) Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) per violation. The fines collected pursuant to this section from licensed physicians and surgeons ~~and registered dispensing opticians~~ shall be available upon appropriation to the Medical Board of California for the purposes of administration and enforcement. The fines collected pursuant to this section from licensed optometrists *and registered dispensing opticians* shall be deposited into the Optometry Fund *and the Dispensing Opticians Fund, respectively*, and shall be available upon appropriation to the State Board of Optometry for the purposes of administration and enforcement.

(2) The Medical Board of California and the State Board of Optometry shall adopt regulations implementing this section and shall consider the following factors, including, but not limited to, applicable enforcement penalties, prior conduct, gravity of the offense, and the manner in which complaints will be processed.

(3) The proceedings under this section shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 13. Section 2550 of the Business and Professions Code is amended to read:

1 2550. Individuals, corporations, and firms engaged in the
2 business of filling prescriptions of physicians and surgeons licensed
3 by ~~the Division of Licensing of the Medical Board of California~~
4 or optometrists licensed by the State Board of Optometry for
5 prescription lenses and kindred products, and, as incidental to the
6 filling of those prescriptions, doing any or all of the following acts,
7 either singly or in combination with others, taking facial
8 measurements, fitting and adjusting those lenses and fitting and
9 adjusting spectacle frames, shall be known as dispensing opticians
10 and shall not engage in that business unless registered with the
11 ~~Division of Licensing of the Medical Board of California. State~~
12 ~~Board of Optometry.~~

13 *SEC. 14. Section 2550.1 of the Business and Professions Code*
14 *is amended to read:*

15 2550.1. All references in this chapter to the board ~~or the Board~~
16 ~~of Medical Examiners or division~~ shall mean the State Board of
17 Optometry.

18 *SEC. 15. Section 2552 of the Business and Professions Code*
19 *is amended to read:*

20 2552. Each application shall be verified under oath by the
21 person required to sign the application and shall designate the
22 name, address, and business telephone number of the applicant's
23 employee who will be responsible for handling customer inquiries
24 and complaints with respect to the business address for which
25 registration is applied.

26 The applicant shall furnish such additional information or proof,
27 oral or written, which the ~~division~~ board may request, including
28 information and proof relating to the provisions of Division 1.5
29 (commencing with Section 475).

30 The ~~division~~ board shall promptly notify any applicant if, as of
31 the 30th day following the submission of an application under this
32 chapter, the application and supporting documentation are not
33 substantially complete and in proper form. The notification shall
34 be in writing, shall state specifically what documents or other
35 information are to be supplied by the applicant to the board, and
36 shall be sent to the applicant by certified or registered mail. Within
37 30 days of the applicant's submission of the requested documents
38 or information to the board, the board shall notify the applicant by
39 certified or registered mail if the board requires additional
40 documents or information.

1 This section shall become operative on January 1, 1988.

2 *SEC. 16. Section 2553 of the Business and Professions Code*
3 *is amended to read:*

4 2553. If the board, after investigation, approves the application,
5 it shall register the applicant and issue to the applicant a certificate
6 of dispensing optician. A separate certificate of registration shall
7 be required for each address where the business is to be conducted.

8 A certificate authorizes the applicant, its agents and employees
9 acting therefor to engage in the business defined in Section 2550
10 provided that the fitting and adjusting of spectacle lenses is
11 performed in compliance with Article 1.5 (commencing with
12 Section 2559.1) and the fitting and adjusting of contact lenses is
13 performed in compliance with Article 2 (commencing with Section
14 2560).

15 Each certificate shall be at all times displayed in a conspicuous
16 place at the certified place of business. The certificate shall not be
17 transferable, but on application to the ~~division~~ board there may be
18 registered a change of address of the certificate.

19 ~~This section shall become operative on January 1, 1988.~~

20 *SEC. 17. Section 2554 of the Business and Professions Code*
21 *is amended to read:*

22 2554. Each registrant shall conspicuously and prominently
23 display at each registered location the following consumer
24 information:

25 “Eye doctors are required to provide patients with a copy of their
26 ophthalmic lens prescriptions as follows:

27 Spectacle prescriptions: Release upon completion of exam.

28 Contact lens prescriptions: Release upon completion of exam
29 or upon completion of the fitting process.

30 Patients may take their prescription to any eye doctor or
31 registered dispensing optician to be filled.

32 Optometrists and registered dispensing opticians are regulated
33 by the State Board of Optometry. The State Board of Optometry
34 receives and investigates all consumer complaints involving the
35 practice of optometry and registered dispensing opticians.
36 Complaints involving a California-licensed optometrist or a
37 registered dispensing optician should be directed to:

38 California State Board of Optometry

39 Department of Consumer Affairs

40 2450 Del Paso Road, Suite 105

1 Sacramento, CA 95834
2 Phone: 1-866-585-2666 or (916) 575-7170
3 Email: optometry@dca.ca.gov
4 ~~Website:~~ Internet Web site: www.optometry.ca.gov”

5 *SEC. 18. Section 2555 of the Business and Professions Code*
6 *is amended to read:*

7 2555. Certificates issued hereunder may in the discretion of
8 ~~the division board~~ be suspended or revoked or subjected to terms
9 and conditions of probation for violating or attempting to violate
10 this chapter, Chapter 5.4 (commencing with Section 2540) or any
11 regulation adopted under this chapter or, Chapter 5.4 (commencing
12 with Section 2540), or Section 651, 654, or 655, or for
13 incompetence, gross negligence, or repeated similar negligent acts
14 performed by the registrant or by an employee of the registrant.
15 The proceedings shall be conducted in accordance with Chapter
16 5 (commencing with Section 11500) of Part 1 of Division 3 of
17 Title 2 of the Government Code, and ~~the division board~~ shall have
18 all the powers granted therein.

19 *SEC. 19. Section 2555.1 of the Business and Professions Code*
20 *is amended to read:*

21 2555.1. In the discretion of ~~the Division of Licensing, board,~~
22 a certificate issued hereunder may be suspended or revoked if an
23 individual certificate holder or persons having any proprietary
24 interest who will engage in dispensing operations, have been
25 convicted of a crime substantially related to the qualifications,
26 functions and duties of a dispensing optician. The record of
27 conviction or a certified copy thereof shall be conclusive evidence
28 of the conviction.

29 A plea or verdict of guilty or a conviction following a plea of
30 nolo contendere made to a charge substantially related to the
31 qualifications, functions and duties of a dispensing optician is
32 deemed to be a conviction within the meaning of this article. The
33 board may order the certificate suspended or revoked, or may
34 decline to issue a certificate, when the time for appeal has elapsed,
35 or the judgment of conviction has been affirmed on appeal or when
36 an order granting probation is made suspending the imposition of
37 sentence, irrespective of a subsequent order under the provisions
38 of Section 1203.4 of the Penal Code allowing such person to
39 withdraw his or her plea of guilty and to enter a plea of not guilty,

1 or setting aside the verdict of guilty, or dismissing the accusation,
2 information or indictment.

3 The proceeding under this section shall be conducted in
4 accordance with Chapter 5 (commencing with Section 11500) of
5 Part 1 of Division 3 of Title 2 of the Government Code, and the
6 board shall have all the powers granted therein.

7 This section shall become operative on January 1, 1988.

8 *SEC. 20. Section 2558 of the Business and Professions Code*
9 *is amended to read:*

10 2558. Any person who violates any of the provisions of this
11 chapter is guilty of a misdemeanor and, upon conviction thereof,
12 shall be punished by imprisonment in the county jail not less than
13 10 days nor more than one year, or by a fine of not less than two
14 hundred dollars (\$200) nor more than one thousand dollars (\$1,000)
15 or by both such fine and imprisonment.

16 ~~The Division of Licensing of the Medical Board of California~~
17 ~~board~~ may adopt, amend, or repeal, in accordance with the
18 Administrative Procedure Act, any regulations as are reasonably
19 necessary to carry out this chapter.

20 *SEC. 21. Section 2559 of the Business and Professions Code*
21 *is amended to read:*

22 2559. Whenever any person has engaged, or is about to engage,
23 in any acts or practices which constitute, or will constitute, a
24 violation of any provision of this chapter, or Chapter 5.4
25 (commencing with Section 2540), the superior court in and for the
26 county wherein the acts or practices take place, or are about to
27 take place, may issue an injunction, or other appropriate order,
28 restraining such conduct on application of the ~~Division of Licensing~~
29 ~~of the Medical Board of California, board,~~ the Attorney-General
30 General, or the district attorney of the county.

31 The proceedings under this section shall be governed by Chapter
32 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
33 of Civil Procedure.

34 *SEC. 22. Section 2559.2 of the Business and Professions Code*
35 *is amended to read:*

36 2559.2. (a) An individual shall apply for registration as a
37 registered spectacle lens dispenser on forms prescribed by the
38 ~~division. The division board.~~ The board shall register an individual
39 as a registered spectacle lens dispenser upon satisfactory proof
40 that the individual has passed the registry examination of the

1 American Board of Opticianry or any successor agency to that
2 board. In the event the ~~division~~ board should determine, after
3 hearing, that the registry examination is not appropriate to
4 determine entry level competence as a spectacle lens dispenser or
5 is not designed to measure specific job performance requirements,
6 the ~~division~~ board may thereafter prescribe or administer a written
7 examination that meets those specifications. If an applicant for
8 renewal has not engaged in the full-time or substantial part-time
9 practice of fitting and adjusting spectacle lenses within the last
10 five years then the ~~division~~ board may require the applicant to
11 take and pass the examination referred to in this section as a
12 condition of registration. Any examination prescribed or
13 administered by the ~~division~~ board shall be given at least twice
14 each year on dates publicly announced at least 90 days before the
15 examination dates. The ~~division~~ board is authorized to contract
16 for administration of an examination.

17 (b) The ~~division~~ board may deny registration where there are
18 grounds for denial under the provisions of Division 1.5
19 (commencing with Section 475).

20 (c) The ~~division~~ board shall issue a certificate to each qualified
21 individual stating that the individual is a registered spectacle lens
22 dispenser.

23 (d) Any individual who had been approved as a manager of
24 dispensing operations of a registered dispensing optician under
25 the provisions of Section 2552 as it existed before January 1, 1988,
26 and who had not been subject to any disciplinary action under the
27 provisions of Section 2555.2 shall be exempt from the examination
28 requirement set forth in this section and shall be issued a certificate
29 as a registered spectacle lens dispenser, provided an application
30 for that certificate is filed with the ~~division~~ board on or before
31 December 31, 1989.

32 (e) A registered spectacle lens dispenser is authorized to fit and
33 adjust spectacle lenses at any place of business holding a certificate
34 of registration under Section 2553 provided that the certificate of
35 the registered spectacle lens dispenser is displayed in a conspicuous
36 place at the place of business where he or she is fitting and
37 adjusting.

38 *SEC. 23. Section 2559.3 of the Business and Professions Code*
39 *is amended to read:*

1 2559.3. A certificate issued to a registered spectacle lens
2 dispenser may, in the discretion of the ~~division~~, *board*, be
3 suspended or revoked for violating or attempting to violate any
4 provision of this chapter or any regulation adopted under this
5 chapter, or for incompetence, gross negligence, or repeated similar
6 negligent acts performed by the certificate holder. A certificate
7 may also be suspended or revoked if the individual certificate
8 holder has been convicted of a felony as provided in Section
9 2555.1.

10 Any proceedings under this section shall be conducted in
11 accordance with Chapter 5 (commencing with Section 11500) of
12 Part 1 of Division 3 of Title 2 of the Government Code, and the
13 ~~division board~~ shall have all the powers granted therein.

14 *SEC. 24. Section 2559.5 of the Business and Professions Code*
15 *is amended to read:*

16 2559.5. This article shall become operative on January 1, 1988.
17 However, the ~~division~~ *board* may, prior to that date, accept and
18 process applications, including the collection of fees, and perform
19 other functions necessary to implement this article.

20 *SEC. 25. Section 2561 of the Business and Professions Code*
21 *is amended to read:*

22 2561. An individual shall apply for registration as a registered
23 contact lens dispenser on forms prescribed by the ~~division~~. The
24 ~~division~~, *board*. The *board* shall register an individual as a
25 registered contact lens dispenser upon satisfactory proof that the
26 individual has passed the contact lens registry examination of the
27 National Committee of Contact Lens Examiners or any successor
28 agency to that committee. In the event the ~~division board~~ should
29 ever find after hearing that the registry examination is not
30 appropriate to determine entry level competence as a contact lens
31 dispenser or is not designed to measure specific job performance
32 requirements, the ~~division board~~ may thereafter from time to time
33 prescribe or administer a written examination that meets those
34 specifications. If an applicant for renewal has not engaged in the
35 full-time or substantial part-time practice of fitting and adjusting
36 contact lenses within the last five years then the ~~division board~~
37 may require the applicant to take and pass the examination referred
38 to in this section as a condition of registration. Any examination
39 administered by the ~~division board~~ shall be given at least twice
40 each year on dates publicly announced at least 90 days before the

1 examination dates. The ~~division~~ board is authorized to contract
2 with the National Committee of Contact Lens Examiners or any
3 successor agency to that committee to provide that the registry
4 examination is given at least twice each year on dates publicly
5 announced at least 90 days before the examination dates.

6 The ~~division~~ board may deny registration where there are
7 grounds for denial under the provisions of Division 1.5
8 (commencing with Section 475).

9 The ~~division~~ board shall issue a certificate to each qualified
10 individual stating that the individual is a registered contact lens
11 dispenser.

12 A registered contact lens dispenser may use that designation,
13 but shall not hold himself or herself out in advertisements or
14 otherwise as a specialist in fitting and adjusting contact lenses.

15 *SEC. 26. Section 2563 of the Business and Professions Code*
16 *is amended to read:*

17 2563. A certificate issued to a registered contact lens dispenser
18 may in the discretion of the ~~division~~ board be suspended or revoked
19 for violating or attempting to violate any provision of this chapter
20 or any regulation adopted under this chapter, or for incompetence,
21 gross negligence, or repeated similar negligent acts performed by
22 the certificate holder. A certificate may also be suspended or
23 revoked if the individual certificate holder has been convicted of
24 a felony as provided in Section 2555.1.

25 Any proceedings under this section shall be conducted in
26 accordance with Chapter 5 (commencing with Section 11500) of
27 Part 1 of Division 3 of Title 2 of the Government Code, and the
28 ~~division~~ board shall have all the powers granted therein.

29 *SEC. 27. Section 3027 of the Business and Professions Code*
30 *is amended to read:*

31 3027. The board shall employ an executive officer and other
32 necessary assistance in the carrying out of the provisions of this
33 chapter.

34 The executive officer shall perform the duties delegated by the
35 board and shall be responsible to it for the accomplishment of
36 those duties. The executive officer shall not be a member of the
37 board. With the approval of the Director of Finance, the board
38 shall fix the salary of the executive officer. The executive officer
39 shall be entitled to traveling and other necessary expenses in the
40 performance of his *or her* duties.

~~SEC. 7.~~

SEC. 28. Section 4980.09 is added to the Business and Professions Code, to read:

4980.09. (a) The title “marriage and family therapist intern” or “marriage and family therapist registered intern” is hereby renamed “associate marriage and family therapist” or “registered associate marriage and family therapist,” respectively. Any reference in statute or regulation to a “marriage and family therapist intern” or “marriage and family therapist registered intern” shall be deemed a reference to an “associate marriage and family therapist” or “registered associate marriage and family therapist.”

(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed or registered pursuant to this chapter.

(c) This section shall become operative January 1, 2018.

~~SEC. 8.~~

SEC. 29. Section 4980.36 of the Business and Professions Code is amended to read:

4980.36. (a) This section shall apply to the following:

(1) Applicants for licensure or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for licensure or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for licensure or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for a license or registration, applicants shall possess a doctoral or master’s degree meeting the requirements of this section in marriage, family, and child counseling, marriage and family therapy, couple and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university approved by the Bureau for Private Postsecondary Education, or accredited by either the Commission on Accreditation for Marriage and Family Therapy Education, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The board has the authority to make the final determination as to whether a degree meets all

1 requirements, including, but not limited to, course requirements,
2 regardless of accreditation or approval.

3 (c) A doctoral or master's degree program that qualifies for
4 licensure or registration shall do the following:

5 (1) Integrate all of the following throughout its curriculum:

6 (A) Marriage and family therapy principles.

7 (B) The principles of mental health recovery-oriented care and
8 methods of service delivery in recovery-oriented practice
9 environments, among others.

10 (C) An understanding of various cultures and the social and
11 psychological implications of socioeconomic position, and an
12 understanding of how poverty and social stress impact an
13 individual's mental health and recovery.

14 (2) Allow for innovation and individuality in the education of
15 marriage and family therapists.

16 (3) Encourage students to develop the personal qualities that
17 are intimately related to effective practice, including, but not
18 limited to, integrity, sensitivity, flexibility, insight, compassion,
19 and personal presence.

20 (4) Permit an emphasis or specialization that may address any
21 one or more of the unique and complex array of human problems,
22 symptoms, and needs of Californians served by marriage and
23 family therapists.

24 (5) Provide students with the opportunity to meet with various
25 consumers and family members of consumers of mental health
26 services to enhance understanding of their experience of mental
27 illness, treatment, and recovery.

28 (d) The degree described in subdivision (b) shall contain no less
29 than 60 semester or 90 quarter units of instruction that includes,
30 but is not limited to, the following requirements:

31 (1) Both of the following:

32 (A) No less than 12 semester or 18 quarter units of coursework
33 in theories, principles, and methods of a variety of
34 psychotherapeutic orientations directly related to marriage and
35 family therapy and marital and family systems approaches to
36 treatment and how these theories can be applied therapeutically
37 with individuals, couples, families, adults, including elder adults,
38 children, adolescents, and groups to improve, restore, or maintain
39 healthy relationships.

40 (B) Practicum that involves direct client contact, as follows:

1 (i) A minimum of six semester or nine quarter units of practicum
2 in a supervised clinical placement that provides supervised
3 fieldwork experience.

4 (ii) A minimum of 150 hours of face-to-face experience
5 counseling individuals, couples, families, or groups.

6 (iii) A student must be enrolled in a practicum course while
7 counseling clients, except as specified in subdivision (c) of Section
8 4980.42.

9 (iv) The practicum shall provide training in all of the following
10 areas:

11 (I) Applied use of theory and psychotherapeutic techniques.

12 (II) Assessment, diagnosis, and prognosis.

13 (III) Treatment of individuals and premarital, couple, family,
14 and child relationships, including trauma and abuse, dysfunctions,
15 healthy functioning, health promotion, illness prevention, and
16 working with families.

17 (IV) Professional writing, including documentation of services,
18 treatment plans, and progress notes.

19 (V) How to connect people with resources that deliver the
20 quality of services and support needed in the community.

21 (v) Educational institutions are encouraged to design the
22 practicum required by this subparagraph to include marriage and
23 family therapy experience in low income and multicultural mental
24 health settings.

25 (vi) In addition to the 150 hours required in clause (ii), 75 hours
26 of either of the following, or a combination thereof:

27 (I) Client centered advocacy, as defined in Section 4980.03.

28 (II) Face-to-face experience counseling individuals, couples,
29 families, or groups.

30 (2) Instruction in all of the following:

31 (A) Diagnosis, assessment, prognosis, and treatment of mental
32 disorders, including severe mental disorders, evidence-based
33 practices, psychological testing, psychopharmacology, and
34 promising mental health practices that are evaluated in peer
35 reviewed literature.

36 (B) Developmental issues from infancy to old age, including
37 instruction in all of the following areas:

38 (i) The effects of developmental issues on individuals, couples,
39 and family relationships.

- 1 (ii) The psychological, psychotherapeutic, and health
2 implications of developmental issues and their effects.
- 3 (iii) Aging and its biological, social, cognitive, and
4 psychological aspects. This coursework shall include instruction
5 on the assessment and reporting of, as well as treatment related
6 to, elder and dependent adult abuse and neglect.
- 7 (iv) A variety of cultural understandings of human development.
- 8 (v) The understanding of human behavior within the social
9 context of socioeconomic status and other contextual issues
10 affecting social position.
- 11 (vi) The understanding of human behavior within the social
12 context of a representative variety of the cultures found within
13 California.
- 14 (vii) The understanding of the impact that personal and social
15 insecurity, social stress, low educational levels, inadequate housing,
16 and malnutrition have on human development.
- 17 (C) The broad range of matters and life events that may arise
18 within marriage and family relationships and within a variety of
19 California cultures, including instruction in all of the following:
- 20 (i) A minimum of seven contact hours of training or coursework
21 in child abuse assessment and reporting as specified in Section 28,
22 and any regulations promulgated thereunder.
- 23 (ii) Spousal or partner abuse assessment, detection, intervention
24 strategies, and same gender abuse dynamics.
- 25 (iii) Cultural factors relevant to abuse of partners and family
26 members.
- 27 (iv) Childbirth, child rearing, parenting, and stepparenting.
- 28 (v) Marriage, divorce, and blended families.
- 29 (vi) Long-term care.
- 30 (vii) End of life and grief.
- 31 (viii) Poverty and deprivation.
- 32 (ix) Financial and social stress.
- 33 (x) Effects of trauma.
- 34 (xi) The psychological, psychotherapeutic, community, and
35 health implications of the matters and life events described in
36 clauses (i) to (x), inclusive.
- 37 (D) Cultural competency and sensitivity, including a familiarity
38 with the racial, cultural, linguistic, and ethnic backgrounds of
39 persons living in California.

1 (E) Multicultural development and cross-cultural interaction,
2 including experiences of race, ethnicity, class, spirituality, sexual
3 orientation, gender, and disability, and their incorporation into the
4 psychotherapeutic process.

5 (F) The effects of socioeconomic status on treatment and
6 available resources.

7 (G) Resilience, including the personal and community qualities
8 that enable persons to cope with adversity, trauma, tragedy, threats,
9 or other stresses.

10 (H) Human sexuality, including the study of physiological,
11 psychological, and social cultural variables associated with sexual
12 behavior and gender identity, and the assessment and treatment of
13 psychosexual dysfunction.

14 (I) Substance use disorders, co-occurring disorders, and
15 addiction, including, but not limited to, instruction in all of the
16 following:

17 (i) The definition of substance use disorders, co-occurring
18 disorders, and addiction. For purposes of this subparagraph,
19 “co-occurring disorders” means a mental illness and substance
20 abuse diagnosis occurring simultaneously in an individual.

21 (ii) Medical aspects of substance use disorders and co-occurring
22 disorders.

23 (iii) The effects of psychoactive drug use.

24 (iv) Current theories of the etiology of substance abuse and
25 addiction.

26 (v) The role of persons and systems that support or compound
27 substance abuse and addiction.

28 (vi) Major approaches to identification, evaluation, and treatment
29 of substance use disorders, co-occurring disorders, and addiction,
30 including, but not limited to, best practices.

31 (vii) Legal aspects of substance abuse.

32 (viii) Populations at risk with regard to substance use disorders
33 and co-occurring disorders.

34 (ix) Community resources offering screening, assessment,
35 treatment, and followup for the affected person and family.

36 (x) Recognition of substance use disorders, co-occurring
37 disorders, and addiction, and appropriate referral.

38 (xi) The prevention of substance use disorders and addiction.

(J) California law and professional ethics for marriage and family therapists, including instruction in all of the following areas of study:

(i) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the scope of practice of marriage and family therapy.

(ii) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including, but not limited to, family law.

(iii) The current legal patterns and trends in the mental health professions.

(iv) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(v) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

(vi) Differences in legal and ethical standards for different types of work settings.

(vii) Licensing law and licensing process.

(e) The degree described in subdivision (b) shall, in addition to meeting the requirements of subdivision (d), include instruction in case management, systems of care for the severely mentally ill, public and private services and supports available for the severely mentally ill, community resources for persons with mental illness and for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. This instruction may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(f) The changes made to law by this section are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and are not intended to expand or restrict the scope of practice for marriage and family therapists.

~~SEC. 9.~~

SEC. 30. Section 4980.37 of the Business and Professions Code is amended to read:

4980.37. (a) This section shall apply to applicants for licensure or registration who begin graduate study before August 1, 2012,

1 and complete that study on or before December 31, 2018. Those
2 applicants may alternatively qualify under paragraph (2) of
3 subdivision (a) of Section 4980.36.

4 (b) To qualify for a license or registration, applicants shall
5 possess a doctor's or master's degree in marriage, family, and child
6 counseling, marriage and family therapy, couple and family
7 therapy, psychology, clinical psychology, counseling psychology,
8 or counseling with an emphasis in either marriage, family, and
9 child counseling or marriage and family therapy, obtained from a
10 school, college, or university accredited by a regional or national
11 institutional accrediting agency that is recognized by the United
12 States Department of Education or approved by the Bureau for
13 Private Postsecondary Education. The board has the authority to
14 make the final determination as to whether a degree meets all
15 requirements, including, but not limited to, course requirements,
16 regardless of accreditation or approval. In order to qualify for
17 licensure pursuant to this section, a doctor's or master's degree
18 program shall be a single, integrated program primarily designed
19 to train marriage and family therapists and shall contain no less
20 than 48 semester or 72 quarter units of instruction. This instruction
21 shall include no less than 12 semester units or 18 quarter units of
22 coursework in the areas of marriage, family, and child counseling,
23 and marital and family systems approaches to treatment. The
24 coursework shall include all of the following areas:

25 (1) The salient theories of a variety of psychotherapeutic
26 orientations directly related to marriage and family therapy, and
27 marital and family systems approaches to treatment.

28 (2) Theories of marriage and family therapy and how they can
29 be utilized in order to intervene therapeutically with couples,
30 families, adults, children, and groups.

31 (3) Developmental issues and life events from infancy to old
32 age and their effect on individuals, couples, and family
33 relationships. This may include coursework that focuses on specific
34 family life events and the psychological, psychotherapeutic, and
35 health implications that arise within couples and families,
36 including, but not limited to, childbirth, child rearing, childhood,
37 adolescence, adulthood, marriage, divorce, blended families,
38 stepparenting, abuse and neglect of older and dependent adults,
39 and geropsychology.

40 (4) A variety of approaches to the treatment of children.

1 The board shall, by regulation, set forth the subjects of instruction
2 required in this subdivision.

3 (c) (1) In addition to the 12 semester or 18 quarter units of
4 coursework specified in subdivision (b), the doctor's or master's
5 degree program shall contain not less than six semester or nine
6 quarter units of supervised practicum in applied psychotherapeutic
7 technique, assessments, diagnosis, prognosis, and treatment of
8 premarital, couple, family, and child relationships, including
9 dysfunctions, healthy functioning, health promotion, and illness
10 prevention, in a supervised clinical placement that provides
11 supervised fieldwork experience within the scope of practice of a
12 marriage and family therapist.

13 (2) For applicants who enrolled in a degree program on or after
14 January 1, 1995, the practicum shall include a minimum of 150
15 hours of face-to-face experience counseling individuals, couples,
16 families, or groups.

17 (3) The practicum hours shall be considered as part of the 48
18 semester or 72 quarter unit requirement.

19 (d) As an alternative to meeting the qualifications specified in
20 subdivision (b), the board shall accept as equivalent degrees those
21 master's or doctor's degrees granted by educational institutions
22 whose degree program is approved by the Commission on
23 Accreditation for Marriage and Family Therapy Education.

24 (e) In order to provide an integrated course of study and
25 appropriate professional training, while allowing for innovation
26 and individuality in the education of marriage and family therapists,
27 a degree program that meets the educational qualifications for
28 licensure or registration under this section shall do all of the
29 following:

30 (1) Provide an integrated course of study that trains students
31 generally in the diagnosis, assessment, prognosis, and treatment
32 of mental disorders.

33 (2) Prepare students to be familiar with the broad range of
34 matters that may arise within marriage and family relationships.

35 (3) Train students specifically in the application of marriage
36 and family relationship counseling principles and methods.

37 (4) Encourage students to develop those personal qualities that
38 are intimately related to the counseling situation such as integrity,
39 sensitivity, flexibility, insight, compassion, and personal presence.

1 (5) Teach students a variety of effective psychotherapeutic
2 techniques and modalities that may be utilized to improve, restore,
3 or maintain healthy individual, couple, and family relationships.

4 (6) Permit an emphasis or specialization that may address any
5 one or more of the unique and complex array of human problems,
6 symptoms, and needs of Californians served by marriage and
7 family therapists.

8 (7) Prepare students to be familiar with cross-cultural mores
9 and values, including a familiarity with the wide range of racial
10 and ethnic backgrounds common among California's population,
11 including, but not limited to, Blacks, Hispanics, Asians, and Native
12 Americans.

13 (f) Educational institutions are encouraged to design the
14 practicum required by this section to include marriage and family
15 therapy experience in low income and multicultural mental health
16 settings.

17 (g) This section shall remain in effect only until January 1, 2019,
18 and as of that date is repealed, unless a later enacted statute, that
19 is enacted before January 1, 2019, deletes or extends that date.

20 ~~SEC. 10.~~

21 *SEC. 31.* Section 4980.40.5 of the Business and Professions
22 Code is repealed.

23 ~~SEC. 11.~~

24 *SEC. 32.* Section 4980.43 of the Business and Professions Code
25 is amended to read:

26 4980.43. (a) To qualify for licensure as specified in Section
27 4980.40, each applicant shall complete experience related to the
28 practice of marriage and family therapy under a supervisor who
29 meets the qualifications set forth in Section 4980.03. The
30 experience shall comply with the following:

31 (1) A minimum of 3,000 hours of supervised experience
32 completed during a period of at least 104 weeks.

33 (2) A maximum of 40 hours in any seven consecutive days.

34 (3) A minimum of 1,700 hours obtained after the qualifying
35 master's or doctoral degree was awarded.

36 (4) A maximum of 1,300 hours obtained prior to the award date
37 of the qualifying master's or doctoral degree.

38 (5) A maximum of 750 hours of counseling and direct supervisor
39 contact prior to the award date of the qualifying master's or
40 doctoral degree.

1 (6) No hours of experience may be gained prior to completing
2 either 12 semester units or 18 quarter units of graduate instruction.

3 (7) No hours of experience may be gained more than six years
4 prior to the date the application for examination eligibility was
5 filed, except that up to 500 hours of clinical experience gained in
6 the supervised practicum required by subdivision (c) of Section
7 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
8 of Section 4980.36 shall be exempt from this six-year requirement.

9 (8) A minimum of 1,750 hours of direct counseling with
10 individuals, groups, couples, or families, that includes not less than
11 500 total hours of experience in diagnosing and treating couples,
12 families, and children.

13 (9) A maximum of 1,250 hours of nonclinical practice,
14 consisting of direct supervisor contact, administering and
15 evaluating psychological tests, writing clinical reports, writing
16 progress or process notes, client centered advocacy, and workshops,
17 seminars, training sessions, or conferences directly related to
18 marriage and family therapy that have been approved by the
19 applicant's supervisor.

20 (10) It is anticipated and encouraged that hours of experience
21 will include working with elders and dependent adults who have
22 physical or mental limitations that restrict their ability to carry out
23 normal activities or protect their rights.

24 This subdivision shall only apply to hours gained on and after
25 January 1, 2010.

26 (b) An individual who submits an application for examination
27 eligibility between January 1, 2016, and December 31, 2020, may
28 alternatively qualify under the experience requirements that were
29 in place on January 1, 2015.

30 (c) All applicants, trainees, and registrants shall be at all times
31 under the supervision of a supervisor who shall be responsible for
32 ensuring that the extent, kind, and quality of counseling performed
33 is consistent with the training and experience of the person being
34 supervised, and who shall be responsible to the board for
35 compliance with all laws, rules, and regulations governing the
36 practice of marriage and family therapy. Supervised experience
37 shall be gained by an intern or trainee only as an employee or as
38 a volunteer. The requirements of this chapter regarding gaining
39 hours of experience and supervision are applicable equally to
40 employees and volunteers. Associates and trainees shall not be

1 employed as independent contractors, and shall not gain experience
2 for work performed as an independent contractor, reported on an
3 IRS Form 1099, or both.

4 (1) If employed, an intern shall provide the board with copies
5 of the corresponding W-2 tax forms for each year of experience
6 claimed upon application for licensure.

7 (2) If volunteering, an intern shall provide the board with a letter
8 from his or her employer verifying the intern's employment as a
9 volunteer upon application for licensure.

10 (d) Except for experience gained by attending workshops,
11 seminars, training sessions, or conferences as described in
12 paragraph (9) of subdivision (a), supervision shall include at least
13 one hour of direct supervisor contact in each week for which
14 experience is credited in each work setting, as specified:

15 (1) A trainee shall receive an average of at least one hour of
16 direct supervisor contact for every five hours of client contact in
17 each setting. No more than six hours of supervision, whether
18 individual or group, shall be credited during any single week.

19 (2) An individual supervised after being granted a qualifying
20 degree shall receive at least one additional hour of direct supervisor
21 contact for every week in which more than 10 hours of client
22 contact is gained in each setting. No more than six hours of
23 supervision, whether individual or group, shall be credited during
24 any single week.

25 (3) For purposes of this section, "one hour of direct supervisor
26 contact" means one hour per week of face-to-face contact on an
27 individual basis or two hours per week of face-to-face contact in
28 a group.

29 (4) Direct supervisor contact shall occur within the same week
30 as the hours claimed.

31 (5) Direct supervisor contact provided in a group shall be
32 provided in a group of not more than eight supervisees and in
33 segments lasting no less than one continuous hour.

34 (6) Notwithstanding paragraph (3), an intern working in a
35 governmental entity, a school, a college, or a university, or an
36 institution that is both nonprofit and charitable may obtain the
37 required weekly direct supervisor contact via two-way, real-time
38 videoconferencing. The supervisor shall be responsible for ensuring
39 that client confidentiality is upheld.

1 (7) All experience gained by a trainee shall be monitored by the
2 supervisor as specified by regulation.

3 (8) The six hours of supervision that may be credited during
4 any single week pursuant to paragraphs (1) and (2) shall apply to
5 supervision hours gained on or after January 1, 2009.

6 (e) (1) A trainee may be credited with supervised experience
7 completed in any setting that meets all of the following:

8 (A) Lawfully and regularly provides mental health counseling
9 or psychotherapy.

10 (B) Provides oversight to ensure that the trainee's work at the
11 setting meets the experience and supervision requirements set forth
12 in this chapter and is within the scope of practice for the profession
13 as defined in Section 4980.02.

14 (C) Is not a private practice owned by a licensed marriage and
15 family therapist, a licensed professional clinical counselor, a
16 licensed psychologist, a licensed clinical social worker, a licensed
17 physician and surgeon, or a professional corporation of any of
18 those licensed professions.

19 (2) Experience may be gained by the trainee solely as part of
20 the position for which the trainee volunteers or is employed.

21 (f) (1) An intern may be credited with supervised experience
22 completed in any setting that meets both of the following:

23 (A) Lawfully and regularly provides mental health counseling
24 or psychotherapy.

25 (B) Provides oversight to ensure that the intern's work at the
26 setting meets the experience and supervision requirements set forth
27 in this chapter and is within the scope of practice for the profession
28 as defined in Section 4980.02.

29 (2) An applicant shall not be employed or volunteer in a private
30 practice, as defined in subparagraph (C) of paragraph (1) of
31 subdivision (e), until registered as an intern.

32 (3) While an intern may be either a paid employee or a
33 volunteer, employers are encouraged to provide fair remuneration
34 to interns.

35 (4) Except for periods of time during a supervisor's vacation or
36 sick leave, an intern who is employed or volunteering in private
37 practice shall be under the direct supervision of a licensee that has
38 satisfied subdivision (g) of Section 4980.03. The supervising
39 licensee shall either be employed by and practice at the same site
40 as the intern's employer, or shall be an owner or shareholder of

1 the private practice. Alternative supervision may be arranged during
2 a supervisor's vacation or sick leave if the supervision meets the
3 requirements of this section.

4 (5) Experience may be gained by the intern solely as part of the
5 position for which the intern volunteers or is employed.

6 (g) Except as provided in subdivision (h), all persons shall
7 register with the board as an intern to be credited for postdegree
8 hours of supervised experience gained toward licensure.

9 (h) Postdegree hours of experience shall be credited toward
10 licensure so long as the applicant applies for the intern registration
11 within 90 days of the granting of the qualifying master's or doctoral
12 degree and is thereafter granted the intern registration by the board.
13 An applicant shall not be employed or volunteer in a private
14 practice until registered as an intern by the board.

15 (i) Trainees, interns, and applicants shall not receive any
16 remuneration from patients or clients, and shall only be paid by
17 their employers.

18 (j) Trainees, interns, and applicants shall only perform services
19 at the place where their employers regularly conduct business,
20 which may include performing services at other locations, so long
21 as the services are performed under the direction and control of
22 their employer and supervisor, and in compliance with the laws
23 and regulations pertaining to supervision. For purposes of
24 paragraph (3) of subdivision (a) of Section 2290.5, interns and
25 trainees working under licensed supervision, consistent with
26 subdivision (c), may provide services via telehealth within the
27 scope authorized by this chapter and in accordance with any
28 regulations governing the use of telehealth promulgated by the
29 board. Trainees and interns shall have no proprietary interest in
30 their employers' businesses and shall not lease or rent space, pay
31 for furnishings, equipment, or supplies, or in any other way pay
32 for the obligations of their employers.

33 (k) Trainees, interns, or applicants who provide volunteered
34 services or other services, and who receive no more than a total,
35 from all work settings, of five hundred dollars (\$500) per month
36 as reimbursement for expenses actually incurred by those trainees,
37 interns, or applicants for services rendered in any lawful work
38 setting other than a private practice shall be considered employees
39 and not independent contractors. The board may audit applicants
40 who receive reimbursement for expenses, and the applicants shall

1 have the burden of demonstrating that the payments received were
2 for reimbursement of expenses actually incurred.

3 (l) Each educational institution preparing applicants for licensure
4 pursuant to this chapter shall consider requiring, and shall
5 encourage, its students to undergo individual, marital or conjoint,
6 family, or group counseling or psychotherapy, as appropriate. Each
7 supervisor shall consider, advise, and encourage his or her interns
8 and trainees regarding the advisability of undertaking individual,
9 marital or conjoint, family, or group counseling or psychotherapy,
10 as appropriate. Insofar as it is deemed appropriate and is desired
11 by the applicant, the educational institution and supervisors are
12 encouraged to assist the applicant in locating that counseling or
13 psychotherapy at a reasonable cost.

14 ~~SEC. 12.~~

15 *SEC. 33.* Section 4980.78 of the Business and Professions Code
16 is amended to read:

17 4980.78. (a) This section applies to persons who apply for
18 licensure or registration on or after January 1, 2016, and who do
19 not hold a license as described in Section 4980.72.

20 (b) For purposes of Section 4980.74, education is substantially
21 equivalent if all of the following requirements are met:

22 (1) The degree is obtained from a school, college, or university
23 accredited by a regional or national institutional accrediting agency
24 that is recognized by the United States Department of Education
25 and consists of, at a minimum, the following:

26 (A) (i) For an applicant who obtained his or her degree within
27 the timeline prescribed by subdivision (a) of Section 4980.36, the
28 degree shall contain no less than 60 semester or 90 quarter units
29 of instruction.

30 (ii) Up to 12 semester or 18 quarter units of instruction may be
31 remediated, if missing from the degree. The remediation may occur
32 while the applicant is registered as an intern.

33 (B) For an applicant who obtained his or her degree within the
34 timeline prescribed by subdivision (a) of Section 4980.37, the
35 degree shall contain no less than 48 semester units or 72 quarter
36 units of instruction.

37 (C) Six semester or nine quarter units of practicum, including,
38 but not limited to, a minimum of 150 hours of face-to-face
39 ~~counseling~~, *experience counseling individuals, couples, families,*
40 *or groups*, and an additional 75 hours of either face-to-face

1 ~~counseling or experience counseling individuals, couples, families,~~
2 ~~or groups or client centered advocacy, or a combination of~~
3 ~~face-to-face counseling experience counseling individuals, couples,~~
4 ~~families, or groups and client centered advocacy.~~

5 (D) Twelve semester or 18 quarter units in the areas of marriage,
6 family, and child counseling and marital and family systems
7 approaches to treatment, as specified in subparagraph (A) of
8 paragraph (1) of subdivision (d) of Section 4980.36.

9 (2) The applicant shall complete coursework in California law
10 and ethics as follows:

11 (A) An applicant who completed a course in law and
12 professional ethics for marriage and family therapists as specified
13 in paragraph ~~(7)~~ (8) of subdivision (a) of Section 4980.81, that did
14 not contain instruction in California law and ethics, shall complete
15 an 18-hour course in California law and professional ethics. The
16 content of the course shall include, but not be limited to,
17 advertising, scope of practice, scope of competence, treatment of
18 minors, confidentiality, dangerous patients, psychotherapist-patient
19 privilege, recordkeeping, patient access to records, state and federal
20 laws relating to confidentiality of patient health information, dual
21 relationships, child abuse, elder and dependent adult abuse, online
22 therapy, insurance reimbursement, civil liability, disciplinary
23 actions and unprofessional conduct, ethics complaints and ethical
24 standards, termination of therapy, standards of care, relevant family
25 law, therapist disclosures to patients, differences in legal and ethical
26 standards in different types of work settings, and licensing law
27 and licensing process. This coursework shall be completed prior
28 to registration as an intern.

29 (B) An applicant who has not completed a course in law and
30 professional ethics for marriage and family therapists as specified
31 in paragraph ~~(7)~~ (8) of subdivision (a) of Section 4980.81 shall
32 complete this required coursework. The coursework shall contain
33 content specific to California law and ethics. This coursework shall
34 be completed prior to registration as an intern.

35 (3) The applicant completes the educational requirements
36 specified in Section 4980.81 not already completed in his or her
37 education. The coursework may be from an accredited school,
38 college, or university as specified in paragraph (1), from an
39 educational institution approved by the Bureau for Private
40 Postsecondary Education, or from a continuing education provider

1 that is acceptable to the board as defined in Section 4980.54.
2 Undergraduate courses shall not satisfy this requirement.

3 (4) The applicant completes the following coursework not
4 already completed in his or her education from an accredited
5 school, college, or university as specified in paragraph (1) from
6 an educational institution approved by the Bureau for Private
7 Postsecondary Education, or from a continuing education provider
8 that is acceptable to the board as defined in Section 4980.54.
9 Undergraduate courses shall not satisfy this requirement.

10 (A) At least three semester units, or 45 hours, of instruction
11 regarding the principles of mental health recovery-oriented care
12 and methods of service delivery in recovery-oriented practice
13 environments, including structured meetings with various
14 consumers and family members of consumers of mental health
15 services to enhance understanding of their experience of mental
16 illness, treatment, and recovery.

17 (B) At least one semester unit, or 15 hours, of instruction that
18 includes an understanding of various California cultures and the
19 social and psychological implications of socioeconomic position.

20 (5) An applicant may complete any units and course content
21 requirements required under paragraphs (3) and (4) not already
22 completed in his or her education while registered as an intern,
23 unless otherwise specified.

24 (6) The applicant's degree title need not be identical to that
25 required by subdivision (b) of Section 4980.36.

26 ~~SEC. 13.~~

27 *SEC. 34.* Section 4980.79 of the Business and Professions Code
28 is amended to read:

29 4980.79. (a) This section applies to persons who apply for
30 licensure or registration on or after January 1, 2016, and who hold
31 a license as described in Section 4980.72.

32 (b) For purposes of Section 4980.72, education is substantially
33 equivalent if all of the following requirements are met:

34 (1) The degree is obtained from a school, college, or university
35 accredited by a regional or national institutional accrediting agency
36 recognized by the United States Department of Education and
37 consists of, at a minimum, the following:

38 (A) (i) For an applicant who obtained his or her degree within
39 the timeline prescribed by subdivision (a) of Section 4980.36, the

1 degree shall contain no less than 60 semester or 90 quarter units
2 of instruction.

3 (ii) Up to 12 semester or 18 quarter units of instruction may be
4 remediated, if missing from the degree. The remediation may occur
5 while the applicant is registered as an intern.

6 (B) For an applicant who obtained his or her degree within the
7 timeline prescribed by subdivision (a) of Section 4980.37, the
8 degree shall contain no less than 48 semester or 72 quarter units
9 of instruction.

10 (C) Six semester or nine quarter units of practicum, including,
11 but not limited to, a minimum of 150 hours of face-to-face
12 ~~counseling~~, *experience counseling individuals, couples, families,*
13 *or groups*, and an additional 75 hours of either face-to-face
14 ~~counseling or experience counseling individuals, couples, families,
15 *or groups or client centered advocacy*, or a combination of
16 face-to-face ~~counseling~~ *experience counseling individuals, couples,*
17 *families, or groups* and client centered advocacy.~~

18 (i) An out-of-state applicant who has been licensed for at least
19 two years in clinical practice, as verified by the board, is exempt
20 from this requirement.

21 (ii) An out-of-state applicant who has been licensed for less
22 than two years in clinical practice, as verified by the board, who
23 does not meet the practicum requirement, shall remediate it by
24 obtaining 150 hours of face-to-face ~~counseling~~, *experience*
25 *counseling individuals, couples, families, or groups*, and an
26 additional 75 hours of either face-to-face ~~counseling or experience~~
27 *counseling individuals, couples, families, or groups or client*
28 *centered advocacy*, or a combination of face-to-face ~~counseling~~
29 *experience counseling individuals, couples, families, or groups*
30 and client centered advocacy. These hours are in addition to the
31 3,000 hours of experience required by this chapter, and shall be
32 gained while registered as an intern.

33 (D) Twelve semester or 18 quarter units in the areas of marriage,
34 family, and child counseling and marital and family systems
35 approaches to treatment, as specified in subparagraph (A) of
36 paragraph (1) of subdivision (d) of Section 4980.36.

37 (2) An applicant shall complete coursework in California law
38 and ethics as follows:

39 (A) An applicant who completed a course in law and
40 professional ethics for marriage and family therapists as specified

1 in paragraph~~(7)~~ (8) of subdivision (a) of Section 4980.81 that did
2 not include instruction in California law and ethics, shall complete
3 an 18-hour course in California law and professional ethics. The
4 content of the course shall include, but not be limited to,
5 advertising, scope of practice, scope of competence, treatment of
6 minors, confidentiality, dangerous patients, psychotherapist-patient
7 privilege, recordkeeping, patient access to records, state and federal
8 laws relating to confidentiality of patient health information, dual
9 relationships, child abuse, elder and dependent adult abuse, online
10 therapy, insurance reimbursement, civil liability, disciplinary
11 actions and unprofessional conduct, ethics complaints and ethical
12 standards, termination of therapy, standards of care, relevant family
13 law, therapist disclosures to patients, differences in legal and ethical
14 standards in different types of work settings, and licensing law
15 and licensing process. This coursework shall be completed prior
16 to registration as an intern.

17 (B) An applicant who has not completed a course in law and
18 professional ethics for marriage and family therapists as specified
19 in paragraph~~(7)~~ (8) of subdivision (a) of Section 4980.81 shall
20 complete this required coursework. The coursework shall include
21 content specific to California law and ethics. An applicant shall
22 complete this coursework prior to registration as an intern.

23 (3) The applicant completes the educational requirements
24 specified in Section 4980.81 not already completed in his or her
25 education. The coursework may be from an accredited school,
26 college, or university as specified in paragraph (1), from an
27 educational institution approved by the Bureau for Private
28 Postsecondary Education, or from a continuing education provider
29 that is acceptable to the board as defined in Section 4980.54.
30 Undergraduate coursework shall not satisfy this requirement.

31 (4) The applicant completes the following coursework not
32 already completed in his or her education from an accredited
33 school, college, or university as specified in paragraph (1) above,
34 from an educational institution approved by the Bureau for Private
35 Postsecondary Education, or from a continuing education provider
36 that is acceptable to the board as defined in Section 4980.54.
37 Undergraduate coursework shall not satisfy this requirement.

38 (A) At least three semester units, or 45 hours, of instruction
39 pertaining to the principles of mental health recovery-oriented care
40 and methods of service delivery in recovery-oriented practice

1 environments, including structured meetings with various
2 consumers and family members of consumers of mental health
3 services to enhance understanding of their experience of mental
4 illness, treatment, and recovery.

5 (B) At least one semester unit, or 15 hours, of instruction that
6 includes an understanding of various California cultures and the
7 social and psychological implications of socioeconomic position.

8 (5) An applicant's degree title need not be identical to that
9 required by subdivision (b) of Section 4980.36.

10 (6) An applicant may complete any units and course content
11 requirements required under paragraphs (3) and (4) not already
12 completed in his or her education while registered as an intern,
13 unless otherwise specified.

14 *SEC. 35. Section 4980.81 of the Business and Professions Code*
15 *is amended to read:*

16 4980.81. This section applies to persons subject to Section
17 4980.78 or 4980.79, who apply for licensure or registration on or
18 after January 2016.

19 (a) For purposes of Sections 4980.78 and 4980.79, an applicant
20 shall meet all of the following educational requirements:

21 (1) A minimum of two semester units of instruction in the
22 diagnosis, assessment, prognosis, and treatment of mental
23 disorders, including severe mental disorders, evidence-based
24 practices, ~~psychological testing, psychopharmacology,~~ and
25 promising mental health practices that are evaluated in peer
26 reviewed literature. ~~This shall include at least one semester unit~~
27 ~~or 15 hours of instruction in psychological testing and at least one~~
28 ~~semester unit or 15 hours of instruction in psychopharmacology.~~

29 (2) *At least one semester unit or 15 hours of instruction in*
30 *psychological testing and at least one semester unit or 15 hours*
31 *of instruction in psychopharmacology.*

32 ~~(2)~~

33 (3) (A) Developmental issues from infancy to old age, including
34 demonstration of at least one semester unit, or 15 hours, of
35 instruction that includes all of the following subjects:

36 (i) The effects of developmental issues on individuals, couples,
37 and family relationships.

38 (ii) The psychological, psychotherapeutic, and health
39 implications of developmental issues and their effects.

1 (iii) The understanding of the impact that personal and social
2 insecurity, social stress, low educational levels, inadequate housing,
3 and malnutrition have on human development.

4 (B) An applicant who is deficient in any of these subjects may
5 remediate the coursework by completing three hours of instruction
6 in each deficient subject.

7 ~~(3)~~

8 (4) (A) The broad range of matters and life events that may
9 arise within marriage and family relationships and within a variety
10 of California cultures, including instruction in all of the following:

11 (i) A minimum of seven contact hours of training or coursework
12 in child abuse assessment and reporting as specified in Section 28
13 and any regulations promulgated under that section.

14 (ii) A minimum of 10 contact hours of coursework that includes
15 all of the following:

16 (I) The assessment and reporting of, as well as treatment related
17 to, elder and dependent adult abuse and neglect.

18 (II) Aging and its biological, social, cognitive, and psychological
19 aspects.

20 (III) Long-term care.

21 (IV) End-of-life and grief.

22 (iii) A minimum of 15 contact hours of coursework in spousal
23 or partner abuse assessment, detection, intervention strategies, and
24 same-gender abuse dynamics.

25 (iv) Cultural factors relevant to abuse of partners and family
26 members.

27 (v) Childbirth, child rearing, parenting, and stepparenting.

28 (vi) Marriage, divorce, and blended families.

29 (vii) Poverty and deprivation.

30 (viii) Financial and social stress.

31 (ix) Effects of trauma.

32 (x) The psychological, psychotherapeutic, community, and
33 health implications of the matters and life events described in
34 clauses (i) to (ix), inclusive.

35 ~~(4)~~

36 (5) At least one semester unit, or 15 hours, of instruction in
37 multicultural development and cross-cultural interaction, including
38 experiences of race, ethnicity, class, spirituality, sexual orientation,
39 gender, and disability, and their incorporation into the
40 psychotherapeutic process.

~~(5)~~

(6) A minimum of 10 contact hours of training or coursework in human sexuality, as specified in Section 25 and any regulations promulgated under that section, including the study of physiological, psychological, and social cultural variables associated with sexual behavior and gender identity, and the assessment and treatment of psychosexual dysfunction.

~~(6)~~

(7) A minimum of 15 contact hours of coursework in substance use disorders, and a minimum of 15 contact hours of coursework in cooccurring disorders and addiction. The following subjects shall be included in this coursework:

(A) The definition of substance use disorders, cooccurring disorders, and addiction. For purposes of this subparagraph “cooccurring disorders” means a mental illness and substance abuse diagnosis occurring simultaneously in an individual.

(B) Medical aspects of substance use disorders and cooccurring disorders.

(C) The effects of psychoactive drug use.

(D) Current theories of the etiology of substance abuse and addiction.

(E) The role of persons and systems that support or compound substance abuse and addiction.

(F) Major approaches to identification, evaluation, and treatment of substance use disorders, cooccurring disorders, and addiction, including, but not limited to, best practices.

(G) Legal aspects of substance abuse.

(H) Populations at risk with regard to substance use disorders and cooccurring disorders.

(I) Community resources offering screening, assessment, treatment, and followup for the affected person and family.

(J) Recognition of substance use disorders, cooccurring disorders, and addiction, and appropriate referral.

(K) The prevention of substance use disorders and addiction.

~~(7)~~

(8) A minimum of a two semester or three quarter unit course in law and professional ethics for marriage and family therapists, including instruction in all of the following subjects:

1 (A) Contemporary professional ethics and statutory, regulatory,
2 and decisional laws that delineate the scope of practice of marriage
3 and family therapy.

4 (B) The therapeutic, clinical, and practical considerations
5 involved in the legal and ethical practice of marriage and family
6 therapy, including, but not limited to, family law.

7 (C) The current legal patterns and trends in the mental health
8 professions.

9 (D) The psychotherapist-patient privilege, confidentiality, the
10 patient dangerous to self or others, and the treatment of minors
11 with and without parental consent.

12 (E) A recognition and exploration of the relationship between
13 a practitioner's sense of self and human values and his or her
14 professional behavior and ethics.

15 (F) Differences in legal and ethical standards for different types
16 of work settings.

17 (G) Licensing law and licensing process.

18 ~~SEC. 14.~~

19 *SEC. 36.* Section 4992.05 of the Business and Professions Code
20 is amended to read:

21 4992.05. (a) Effective January 1, 2016, an applicant for
22 licensure as a clinical social worker shall pass the following two
23 examinations as prescribed by the board:

24 (1) A California law and ethics examination.

25 (2) A clinical examination.

26 (b) Upon registration with the board, an associate clinical social
27 worker registrant shall, within the first year of registration, take
28 an examination on California law and ethics.

29 (c) A registrant may take the clinical examination only upon
30 meeting all of the following requirements:

31 (1) Completion of all education requirements.

32 (2) Passage of the California law and ethics examination.

33 (3) Completion of all required supervised work experience.

34 (d) This section shall become operative on January 1, 2016.

35 *SEC. 37. Section 4996.3 of the Business and Professions Code*
36 *is amended to read:*

37 4996.3. (a) The board shall assess the following fees relating
38 to the licensure of clinical social workers:

39 (1) The application fee for registration as an associate clinical
40 social worker shall be seventy-five dollars (\$75).

1 (2) The fee for renewal of an associate clinical social worker
2 registration shall be seventy-five dollars (\$75).

3 (3) The fee for application for examination eligibility shall be
4 one hundred dollars (\$100).

5 (4) The fee for the *board-administered* clinical ~~examination~~
6 *examination, if the board chooses to adopt this examination in*
7 *regulations*, shall be one hundred dollars (\$100). The fee for the
8 California law and ethics examination shall be one hundred dollars
9 (\$100).

10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fees.

13 (B) The amount of the examination fees shall be based on the
14 actual cost to the board of developing, purchasing, and grading
15 each examination and the actual cost to the board of administering
16 each examination. The written examination fees shall be adjusted
17 periodically by regulation to reflect the actual costs incurred by
18 the board.

19 (5) The fee for rescoring an examination shall be twenty dollars
20 (\$20).

21 (6) The fee for issuance of an initial license shall be a maximum
22 of one hundred fifty-five dollars (\$155).

23 (7) The fee for license renewal shall be a maximum of one
24 hundred fifty-five dollars (\$155).

25 (8) The fee for inactive license renewal shall be a maximum of
26 seventy-seven dollars and fifty cents (\$77.50).

27 (9) The renewal delinquency fee shall be a maximum of
28 seventy-five dollars (\$75). A person who permits his or her license
29 to expire is subject to the delinquency fee.

30 (10) The fee for issuance of a replacement registration, license,
31 or certificate shall be twenty dollars (\$20).

32 (11) The fee for issuance of a certificate or letter of good
33 standing shall be twenty-five dollars (\$25).

34 (12) The fee for issuance of a retired license shall be forty dollars
35 (\$40).

36 (b) With regard to license, examination, and other fees, the
37 board shall establish fee amounts at or below the maximum
38 amounts specified in this chapter.

39 (c) This section shall become operative on January 1, 2016.

1 ~~SEC. 15.~~

2 ~~SEC. 38.~~ Section 4996.18 of the Business and Professions Code
3 is amended to read:

4 4996.18. (a) A person who wishes to be credited with
5 experience toward licensure requirements shall register with the
6 board as an associate clinical social worker prior to obtaining that
7 experience. The application shall be made on a form prescribed
8 by the board.

9 (b) An applicant for registration shall satisfy the following
10 requirements:

11 (1) Possess a master's degree from an accredited school or
12 department of social work.

13 (2) Have committed no crimes or acts constituting grounds for
14 denial of licensure under Section 480.

15 (3) Commencing January 1, 2014, have completed training or
16 coursework, which may be embedded within more than one course,
17 in California law and professional ethics for clinical social workers,
18 including instruction in all of the following areas of study:

19 (A) Contemporary professional ethics and statutes, regulations,
20 and court decisions that delineate the scope of practice of clinical
21 social work.

22 (B) The therapeutic, clinical, and practical considerations
23 involved in the legal and ethical practice of clinical social work,
24 including, but not limited to, family law.

25 (C) The current legal patterns and trends in the mental health
26 professions.

27 (D) The psychotherapist-patient privilege, confidentiality,
28 dangerous patients, and the treatment of minors with and without
29 parental consent.

30 (E) A recognition and exploration of the relationship between
31 a practitioner's sense of self and human values, and his or her
32 professional behavior and ethics.

33 (F) Differences in legal and ethical standards for different types
34 of work settings.

35 (G) Licensing law and process.

36 (c) An applicant who possesses a master's degree from a school
37 or department of social work that is a candidate for accreditation
38 by the Commission on Accreditation of the Council on Social
39 Work Education shall be eligible, and shall be required, to register
40 as an associate clinical social worker in order to gain experience

1 toward licensure if the applicant has not committed any crimes or
2 acts that constitute grounds for denial of licensure under Section
3 480. That applicant shall not, however, be eligible to take the
4 clinical examination until the school or department of social work
5 has received accreditation by the Commission on Accreditation
6 of the Council on Social Work Education.

7 (d) All applicants and registrants shall be at all times under the
8 supervision of a supervisor who shall be responsible for ensuring
9 that the extent, kind, and quality of counseling performed is
10 consistent with the training and experience of the person being
11 supervised, and who shall be responsible to the board for
12 compliance with all laws, rules, and regulations governing the
13 practice of clinical social work.

14 (e) Any experience obtained under the supervision of a spouse
15 or relative by blood or marriage shall not be credited toward the
16 required hours of supervised experience. Any experience obtained
17 under the supervision of a supervisor with whom the applicant has
18 a personal relationship that undermines the authority or
19 effectiveness of the supervision shall not be credited toward the
20 required hours of supervised experience.

21 (f) An applicant who possesses a master's degree from an
22 accredited school or department of social work shall be able to
23 apply experience the applicant obtained during the time the
24 accredited school or department was in candidacy status by the
25 Commission on Accreditation of the Council on Social Work
26 Education toward the licensure requirements, if the experience
27 meets the requirements of Section 4996.23. This subdivision shall
28 apply retroactively to persons who possess a master's degree from
29 an accredited school or department of social work and who
30 obtained experience during the time the accredited school or
31 department was in candidacy status by the Commission on
32 Accreditation of the Council on Social Work Education.

33 (g) An applicant for registration or licensure trained in an
34 educational institution outside the United States shall demonstrate
35 to the satisfaction of the board that he or she possesses a master's
36 of social work degree that is equivalent to a master's degree issued
37 from a school or department of social work that is accredited by
38 the Commission on Accreditation of the Council on Social Work
39 Education. These applicants shall provide the board with a
40 comprehensive evaluation of the degree and shall provide any

1 other documentation the board deems necessary. The board has
2 the authority to make the final determination as to whether a degree
3 meets all requirements, including, but not limited to, course
4 requirements regardless of evaluation or accreditation.

5 (h) A registrant shall not provide clinical social work services
6 to the public for a fee, monetary or otherwise, except as an
7 employee.

8 (i) A registrant shall inform each client or patient prior to
9 performing any professional services that he or she is unlicensed
10 and is under the supervision of a licensed professional.

11 ~~SEC. 16.~~

12 *SEC. 39.* Section 4996.23 of the Business and Professions Code
13 is amended to read:

14 4996.23. (a) To qualify for licensure as specified in Section
15 4996.2, each applicant shall complete 3,200 hours of post-master's
16 degree supervised experience related to the practice of clinical
17 social work. The experience shall comply with the following:

18 (1) At least 1,700 hours shall be gained under the supervision
19 of a licensed clinical social worker. The remaining required
20 supervised experience may be gained under the supervision of a
21 licensed mental health professional acceptable to the board as
22 defined by a regulation adopted by the board.

23 (2) A minimum of 2,000 hours in clinical psychosocial
24 diagnosis, assessment, and treatment, including psychotherapy or
25 counseling.

26 (3) A maximum of 1,200 hours in client centered advocacy,
27 consultation, evaluation, research, direct supervisor contact, and
28 workshops, seminars, training sessions, or conferences directly
29 related to clinical social work that have been approved by the
30 applicant's supervisor.

31 (4) Of the 2,000 clinical hours required in paragraph (2), no less
32 than 750 hours shall be face-to-face individual or group
33 psychotherapy provided to clients in the context of clinical social
34 work services.

35 (5) A minimum of two years of supervised experience is required
36 to be obtained over a period of not less than 104 weeks and shall
37 have been gained within the six years immediately preceding the
38 date on which the application for licensure was filed.

39 (6) Experience shall not be credited for more than 40 hours in
40 any week.

1 (b) An individual who submits an application for examination
2 eligibility between January 1, 2016, and December 31, 2020, may
3 alternatively qualify under the experience requirements that were
4 in place on January 1, 2015.

5 (c) “Supervision” means responsibility for, and control of, the
6 quality of clinical social work services being provided.
7 Consultation or peer discussion shall not be considered to be
8 supervision.

9 (d) (1) Prior to the commencement of supervision, a supervisor
10 shall comply with all requirements enumerated in Section 1870 of
11 Title 16 of the California Code of Regulations and shall sign under
12 penalty of perjury the “Responsibility Statement for Supervisors
13 of an Associate Clinical Social Worker” form.

14 (2) Supervised experience shall include at least one hour of
15 direct supervisor contact for a minimum of 104 weeks. For
16 purposes of this subdivision, “one hour of direct supervisor contact”
17 means one hour per week of face-to-face contact on an individual
18 basis or two hours of face-to-face contact in a group conducted
19 within the same week as the hours claimed.

20 (3) An associate shall receive at least one additional hour of
21 direct supervisor contact for every week in which more than 10
22 hours of face-to-face psychotherapy is performed in each setting
23 in which experience is gained. No more than six hours of
24 supervision, whether individual or group, shall be credited during
25 any single week.

26 (4) Supervision shall include at least one hour of direct
27 supervisor contact during each week for which experience is gained
28 in each work setting. Supervision is not required for experience
29 gained attending workshops, seminars, training sessions, or
30 conferences as described in paragraph (3) of subdivision (a).

31 (5) The six hours of supervision that may be credited during
32 any single week pursuant to paragraph (3) shall apply only to
33 supervision hours gained on or after January 1, 2010.

34 (6) Group supervision shall be provided in a group of not more
35 than eight supervisees and shall be provided in segments lasting
36 no less than one continuous hour.

37 (7) Of the 104 weeks of required supervision, 52 weeks shall
38 be individual supervision, and of the 52 weeks of required
39 individual supervision, not less than 13 weeks shall be supervised
40 by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) Associates shall not be employed as independent contractors, and shall not gain experience for work performed as an independent contractor, reported on an IRS Form 1099, or both.

(k) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(l) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

1 (m) While an associate may be either a paid employee or
2 volunteer, employers are encouraged to provide fair remuneration
3 to associates.

4 (n) An associate shall not do the following:

5 (1) Receive any remuneration from patients or clients and shall
6 only be paid by his or her employer.

7 (2) Have any proprietary interest in the employer's business.

8 (3) Lease or rent space, pay for furnishings, equipment, or
9 supplies, or in any other way pay for the obligations of his or her
10 employer.

11 (o) An associate, whether employed or volunteering, may obtain
12 supervision from a person not employed by the associate's
13 employer if that person has signed a written agreement with the
14 employer to take supervisory responsibility for the associate's
15 social work services.

16 (p) Notwithstanding any other provision of law, associates and
17 applicants for examination shall receive a minimum of one hour
18 of supervision per week for each setting in which he or she is
19 working.

20 ~~SEC. 17:~~

21 *SEC. 40.* Section 4999.12 of the Business and Professions Code
22 is amended to read:

23 4999.12. For purposes of this chapter, the following terms have
24 the following meanings:

25 (a) "Board" means the Board of Behavioral Sciences.

26 (b) "Accredited" means a school, college, or university
27 accredited by a regional or national institutional accrediting agency
28 that is recognized by the United States Department of Education.

29 (c) "Approved" means a school, college, or university that
30 possessed unconditional approval by the Bureau for Private
31 Postsecondary Education at the time of the applicant's graduation
32 from the school, college, or university.

33 (d) "Applicant" means an unlicensed person who has completed
34 a master's or doctoral degree program, as specified in Section
35 4999.32 or 4999.33, as applicable, and whose application for
36 registration as an intern is pending or who has applied for
37 examination eligibility, or an unlicensed person who has completed
38 the requirements for licensure specified in this chapter and is no
39 longer registered with the board as an intern.

1 (e) “Licensed professional clinical counselor” or “LPCC” means
2 a person licensed under this chapter to practice professional clinical
3 counseling, as defined in Section 4999.20.

4 (f) “Intern” means an unlicensed person who meets the
5 requirements of Section 4999.42 and is registered with the board.

6 (g) “Clinical counselor trainee” means an unlicensed person
7 who is currently enrolled in a master’s or doctoral degree program,
8 as specified in Section 4999.32 or 4999.33, as applicable, that is
9 designed to qualify him or her for licensure under this chapter, and
10 who has completed no less than 12 semester units or 18 quarter
11 units of coursework in any qualifying degree program.

12 (h) “Approved supervisor” means an individual who meets the
13 following requirements:

14 (1) Has documented two years of clinical experience as a
15 licensed professional clinical counselor, licensed marriage and
16 family therapist, licensed clinical psychologist, licensed clinical
17 social worker, or licensed physician and surgeon who is certified
18 in psychiatry by the American Board of Psychiatry and Neurology.

19 (2) Has received professional training in supervision.

20 (3) Has not provided therapeutic services to the clinical
21 counselor trainee or intern.

22 (4) Has a current and valid license that is not under suspension
23 or probation.

24 (i) “Client centered advocacy” includes, but is not limited to,
25 researching, identifying, and accessing resources, or other activities,
26 related to obtaining or providing services and supports for clients
27 or groups of clients receiving psychotherapy or counseling services.

28 (j) “Advertising” or “advertise” includes, but is not limited to,
29 the issuance of any card, sign, or device to any person, or the
30 causing, permitting, or allowing of any sign or marking on, or in,
31 any building or structure, or in any newspaper or magazine or in
32 any directory, or any printed matter whatsoever, with or without
33 any limiting qualification. It also includes business solicitations
34 communicated by radio or television broadcasting. Signs within
35 church buildings or notices in church bulletins mailed to a
36 congregation shall not be construed as advertising within the
37 meaning of this chapter.

38 (k) “Referral” means evaluating and identifying the needs of a
39 client to determine whether it is advisable to refer the client to
40 other specialists, informing the client of that judgment, and

1 communicating that determination as requested or deemed
2 appropriate to referral sources.

3 (l) “Research” means a systematic effort to collect, analyze, and
4 interpret quantitative and qualitative data that describes how social
5 characteristics, behavior, emotion, cognitions, disabilities, mental
6 disorders, and interpersonal transactions among individuals and
7 organizations interact.

8 (m) “Supervision” includes the following:

9 (1) Ensuring that the extent, kind, and quality of counseling
10 performed is consistent with the education, training, and experience
11 of the person being supervised.

12 (2) Reviewing client or patient records, monitoring and
13 evaluating assessment, diagnosis, and treatment decisions of the
14 clinical counselor trainee.

15 (3) Monitoring and evaluating the ability of the intern or clinical
16 counselor trainee to provide services to the particular clientele at
17 the site or sites where he or she will be practicing.

18 (4) Ensuring compliance with laws and regulations governing
19 the practice of licensed professional clinical counseling.

20 (5) That amount of direct observation, or review of audio or
21 videotapes of counseling or therapy, as deemed appropriate by the
22 supervisor.

23 ~~SEC. 18.~~

24 *SEC. 41.* Section 4999.12.5 is added to the Business and
25 Professions Code, to read:

26 4999.12.5. (a) The title “professional clinical counselor intern”
27 or “professional clinical counselor registered intern” is hereby
28 renamed “associate professional clinical counselor” or “registered
29 associate professional clinical counselor,” respectively. Any
30 reference in any statute or regulation to a “professional clinical
31 counselor intern” or “professional clinical counselor registered
32 intern” shall be deemed a reference to an “associate professional
33 clinical counselor” or “registered associate professional clinical
34 counselor.”

35 (b) Nothing in this section shall be construed to expand or
36 constrict the scope of practice of a person licensed or registered
37 pursuant to this chapter.

38 (c) This section shall become operative January 1, 2018.

1 ~~SEC. 19.~~

2 ~~SEC. 42.~~ Section 4999.40 of the Business and Professions Code
3 is amended to read:

4 4999.40. (a) Each educational institution preparing applicants
5 to qualify for licensure shall notify each of its students by means
6 of its public documents or otherwise in writing that its degree
7 program is designed to meet the requirements of Section 4999.32
8 or 4999.33 and shall certify to the board that it has so notified its
9 students.

10 (b) An applicant for registration or licensure shall submit to the
11 board a certification by the applicant's educational institution that
12 the institution's required curriculum for graduation and any
13 associated coursework completed by the applicant does one of the
14 following:

15 (1) Meets all of the requirements set forth in Section 4999.32.

16 (2) Meets all of the requirements set forth in Section 4999.33.

17 (c) An applicant trained at an educational institution outside the
18 United States shall demonstrate to the satisfaction of the board
19 that he or she possesses a qualifying degree that is equivalent to a
20 degree earned from an institution of higher education that is
21 accredited or approved. These applicants shall provide the board
22 with a comprehensive evaluation of the degree performed by a
23 foreign credential evaluation service that is a member of the
24 National Association of Credential Evaluation Services and shall
25 provide any other documentation the board deems necessary.

26 ~~SEC. 20.~~

27 ~~SEC. 43.~~ Section 4999.47 of the Business and Professions Code
28 is amended to read:

29 4999.47. (a) Clinical counselor trainees, interns, and applicants
30 shall perform services only as an employee or as a volunteer.

31 The requirements of this chapter regarding gaining hours of
32 clinical mental health experience and supervision are applicable
33 equally to employees and volunteers. Associates and trainees shall
34 not be employed as independent contractors, and shall not gain
35 experience for work performed as an independent contractor,
36 reported on an IRS Form 1099, or both.

37 (1) If employed, a clinical counselor intern shall provide the
38 board with copies of the corresponding W-2 tax forms for each
39 year of experience claimed upon application for licensure as a
40 professional clinical counselor.

1 (2) If volunteering, a clinical counselor intern shall provide the
2 board with a letter from his or her employer verifying the intern's
3 employment as a volunteer upon application for licensure as a
4 professional clinical counselor.

5 (b) Clinical counselor trainees, interns, and applicants shall not
6 receive any remuneration from patients or clients, and shall only
7 be paid by their employers.

8 (c) While an intern may be either a paid employee or a volunteer,
9 employers are encouraged to provide fair remuneration.

10 (d) Clinical counselor trainees, interns, and applicants who
11 provide voluntary services or other services, and who receive no
12 more than a total, from all work settings, of five hundred dollars
13 (\$500) per month as reimbursement for expenses actually incurred
14 by those clinical counselor trainees, interns, and applicants for
15 services rendered in any lawful work setting other than a private
16 practice shall be considered an employee and not an independent
17 contractor.

18 (e) The board may audit an intern or applicant who receives
19 reimbursement for expenses and the intern or applicant shall have
20 the burden of demonstrating that the payments received were for
21 reimbursement of expenses actually incurred.

22 (f) Clinical counselor trainees, interns, and applicants shall only
23 perform services at the place where their employer regularly
24 conducts business and services, which may include other locations,
25 as long as the services are performed under the direction and
26 control of the employer and supervisor in compliance with the
27 laws and regulations pertaining to supervision. Clinical counselor
28 trainees, interns, and applicants shall have no proprietary interest
29 in the employer's business.

30 (g) Each educational institution preparing applicants for
31 licensure pursuant to this chapter shall consider requiring, and
32 shall encourage, its students to undergo individual, marital or
33 conjoint, family, or group counseling or psychotherapy, as
34 appropriate. Each supervisor shall consider, advise, and encourage
35 his or her interns and clinical counselor trainees regarding the
36 advisability of undertaking individual, marital or conjoint, family,
37 or group counseling or psychotherapy, as appropriate. Insofar as
38 it is deemed appropriate and is desired by the applicant, the
39 educational institution and supervisors are encouraged to assist

1 the applicant in locating that counseling or psychotherapy at a
2 reasonable cost.

3 ~~SEC. 21.~~

4 *SEC. 44.* Section 4999.52 of the Business and Professions Code
5 is amended to read:

6 4999.52. (a) Every applicant for a license as a professional
7 clinical counselor shall be examined by the board. The board shall
8 examine the candidate with regard to his or her knowledge and
9 professional skills and his or her judgment in the utilization of
10 appropriate techniques and methods.

11 (b) The examinations shall be given at least twice a year at a
12 time and place and under supervision as the board may determine.

13 (c) The board shall not deny any applicant who has submitted
14 a complete application for examination admission to the licensure
15 examinations required by this section if the applicant meets the
16 educational and experience requirements of this chapter, and has
17 not committed any acts or engaged in any conduct that would
18 constitute grounds to deny licensure.

19 (d) The board shall not deny any applicant whose application
20 for licensure is complete admission to the examinations specified
21 by paragraph (2) of subdivision (a) of Section 4999.53, nor shall
22 the board postpone or delay this examination for any applicant or
23 delay informing the candidate of the results of this examination,
24 solely upon the receipt by the board of a complaint alleging acts
25 or conduct that would constitute grounds to deny licensure.

26 (e) If an applicant for the examination specified by paragraph
27 (2) of subdivision (a) of Section 4999.53, who has passed the
28 California law and ethics examination, is the subject of a complaint
29 or is under board investigation for acts or conduct that, if proven
30 to be true, would constitute grounds for the board to deny licensure,
31 the board shall permit the applicant to take this examination, but
32 may notify the applicant that licensure will not be granted pending
33 completion of the investigation.

34 (f) Notwithstanding Section 135, the board may deny any
35 applicant who has previously failed either the California law and
36 ethics examination, or the examination specified by paragraph (2)
37 of subdivision (a) of Section 4999.53, permission to retake either
38 examination pending completion of the investigation of any
39 complaints against the applicant.

(g) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section 11503 or 11504 of the Government Code, respectively, or the application has been denied in accordance with subdivision (b) of Section 485.

(h) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(i) On and after January 1, 2016, the examination specified by paragraph (2) of subdivision (a) of Section 4999.53 shall be passed within seven years of an applicant's initial attempt.

(j) A passing score on the clinical examination shall be accepted by the board for a period of seven years from the date the examination was taken.

(k) No applicant shall be eligible to participate in the examination specified by paragraph (2) of subdivision (a) of Section 4999.53, if he or she fails to obtain a passing score on this examination within seven years from his or her initial attempt. If the applicant fails to obtain a passing score within seven years of initial attempt, he or she shall obtain a passing score on the current version of the California law and ethics examination in order to be eligible to retake this examination.

(l) This section shall become operative on January 1, 2016.

~~SEC. 22.~~

~~SEC. 45.~~ Section 4999.54 of the Business and Professions Code is repealed.

~~SEC. 23.~~

~~SEC. 46.~~ Section 4999.60 of the Business and Professions Code is amended to read:

4999.60. (a) This section applies to persons who are licensed outside of California and apply for examination eligibility on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license as a professional clinical counselor, or other counseling license that allows the applicant to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:

1 (1) The applicant's education is substantially equivalent, as
2 defined in Section 4999.63.

3 (2) The applicant complies with subdivision (c) of Section
4 4999.40, if applicable.

5 (3) The applicant's supervised experience is substantially
6 equivalent to that required for a license under this chapter. The
7 board shall consider hours of experience obtained outside of
8 California during the six-year period immediately preceding the
9 date the applicant initially obtained the license described above.
10 If the applicant has less than 3,000 hours of qualifying supervised
11 experience, time actively licensed as a professional clinical
12 counselor shall be accepted at a rate of 100 hours per month up to
13 a maximum of 1,200 hours if the applicant's degree meets the
14 practicum requirement described in subparagraph (C) of paragraph
15 (1) of subdivision (b) of Section 4999.63 without exemptions or
16 remediation.

17 (4) The applicant passes the examinations required to obtain a
18 license under this chapter. An applicant who obtained his or her
19 license or registration under another jurisdiction may apply for
20 licensure with the board without taking the clinical examination
21 if both of the following conditions are met:

22 (A) The applicant obtained a passing score on the licensing
23 examination set forth in regulation as accepted by the board.

24 (B) The applicant's license or registration in that jurisdiction is
25 in good standing at the time of his or her application and is not
26 revoked, suspended, surrendered, denied, or otherwise restricted
27 or encumbered.

28 ~~SEC. 24.~~

29 *SEC. 47.* Section 4999.61 of the Business and Professions Code
30 is amended to read:

31 4999.61. (a) This section applies to persons who apply for
32 examination eligibility or registration on or after January 1, 2016,
33 and who do not hold a license as described in Section 4999.60.

34 (b) The board shall accept education gained ~~while residing~~
35 ~~outside of California from an out-of-state school~~ for purposes of
36 satisfying licensure or registration requirements if the education
37 is substantially equivalent, as defined in Section 4999.62, and the
38 applicant complies with subdivision (c) of Section 4999.40, if
39 applicable.

1 (c) The board shall accept experience gained outside of
2 California for purposes of satisfying licensure or registration
3 requirements if the experience is substantially equivalent to that
4 required by this chapter.

5 ~~SEC. 25.~~

6 *SEC. 48.* Section 4999.120 of the Business and Professions
7 Code is amended to read:

8 4999.120. The board shall assess fees for the application for
9 and the issuance and renewal of licenses and for the registration
10 of interns to cover administrative and operating expenses of the
11 board related to this chapter. Fees assessed pursuant to this section
12 shall not exceed the following:

13 (a) The fee for the application for examination eligibility shall
14 be up to two hundred fifty dollars (\$250).

15 (b) The fee for the application for intern registration shall be up
16 to one hundred fifty dollars (\$150).

17 (c) The fee for the application for licensure shall be up to one
18 hundred eighty dollars (\$180).

19 (d) The fee for the board-administered clinical examination, if
20 the board chooses to adopt this examination in regulations, shall
21 be up to two hundred fifty dollars (\$250).

22 (e) The fee for the law and ethics examination shall be up to
23 one hundred fifty dollars (\$150).

24 (f) The fee for the issuance of a license shall be up to two
25 hundred fifty dollars (\$250).

26 (g) The fee for annual renewal of an intern registration shall be
27 up to one hundred fifty dollars (\$150).

28 (h) The fee for two-year renewal of licenses shall be up to two
29 hundred fifty dollars (\$250).

30 (i) The fee for issuance of a retired license shall be forty dollars
31 (\$40).

32 (j) The fee for rescoring an examination shall be twenty dollars
33 (\$20).

34 (k) The fee for issuance of a replacement license or registration
35 shall be twenty dollars (\$20).

36 (l) The fee for issuance of a certificate or letter of good standing
37 shall be twenty-five dollars (\$25).

38 *SEC. 49. Section 4.5 of this bill incorporates amendments to*
39 *Section 1632 of the Business and Professions Code proposed by*
40 *both this bill and Assembly Bill 2331. It shall only become*

1 *operative if (1) both bills are enacted and become effective on or*
2 *before January 1, 2017, (2) each bill amends Section 1632 of the*
3 *Business and Professions Code, and (3) this bill is enacted after*
4 *Assembly Bill 2331, in which case Section 4 of this bill shall not*
5 *become operative.*

6 ~~SEC. 26.~~

7 *SEC. 50.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.